

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 16th JULY 2020

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[9:30]

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

PUBLIC BUSINESS - resumption

1. Extended limits of co-payments for G.P. consultations: young people and pregnant women (P.80/2020) - as amended (P.80/2020 Amd.) - resumption

The Deputy Bailiff:

Before we resume the debate on P.80, I remind Members that at the end of Public Business we have a debate on future priorities for the Island Plan. Helpfully the Minister provided an indication of the length of that debate, which will total 3¼ hours. So will require a full morning or afternoon session, whether we reach that point this afternoon or tomorrow morning. Returning to the debate, the next Member who wishes to speak is Deputy Pinel.

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

The arrangements made with the G.P.s (general practitioners) in April were with health professionals coming together in an emergency. It was always to be relatively short term. On 10th August the H.C.S. (Health and Community Services) contract with G.P.s falls away. We cannot extend the current contract. A whole new mechanism would have to be designed and agreed with G.P.s in the next 3 weeks. Using a Health Insurance Fund rebate to support costs from August to December does not provide a solution. Rebates are set by regulation. This would require law drafting and a States debate to be completed. I completely understand that this is not all about money. Senator Mézec and Deputy Doublet both said yesterday we are a wealthy jurisdiction and can fund this. As Minister for Treasury and Resources, it is my duty to remind Members that while Jersey is in a more enviable position than some other jurisdictions, we are not a bottomless pit. Some of our reserves have already been used to cover the deferrals of G.S.T. (goods and services tax) and social security contributions, the C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) scheme, the co-funded payroll scheme, now extended to the end of August, the recently announced fiscal stimulus package with £100 going to everyone on income support, that is worth £400 for a couple with 2 children, and Pension-Plus in July, an additional £100 universally distributed to all in September. We must also take account of the free parking in town for July, a £10 million loan to Blue Islands to maintain connectivity for our Island's medical needs and travel for essential workers. We have acted promptly and positively through this pandemic. We shall continue to do so. However, we must also be very circumspect about the direction and delivery of funding, remembering that this is taxpayers' money. While I, like others, have huge respect for Deputy Alves, and totally understand the emotional aspects of her proposition, I cannot support the demand on the public purse as acceptance of this proposition would require, especially as so much of the work on timely healthcare is already currently progressing as a result of P.125 and will be included in the Government Plan. A hasty solution will not offer the robust mechanisms to which the Attorney General referred yesterday. I cannot support this proposition.

1.1.1 Deputy T. Pointon of St. John:

I have listened closely to this debate so far and I am troubled by the response of this proposition from the Minister for Health and Social Services and from the Minister for Treasury and Resources. The Minister for Health and Social Services, a reasonable and kindly man yet he would deny children for a period of 5 months the certainty of medical assistance within the primary care framework. He is being asked to extend a universal facility to children, and so by inference their families, to cover medical expenses regardless of the family's ability to pay, until of course a permanent solution can be found. I understand his concerns about the universal application of financial support for children but the proposition is not just about a family's ability to pay but also the right especially of older children to the age of 17 to a private relationship with their medical practitioner. Many of the families

within sufficient income to pay a general practitioner who assists their child would have previously gone to the Emergency Department but this lifeline is now closing as recent post-COVID-19 unlock instructions to potential Emergency Department users is that people with so-called non-urgent conditions should consult their general practitioner and not go to the Emergency Department. This instruction widely publicised in relation to the closure of the urgent treatment facility at the General Hospital and the announcement that general practitioners will be returning to their surgeries has caused much consternation for those who have real difficulty finding the resources to fund in-time primary care. Conversely of course there are significant numbers of people who have contacted me to complain about the COVID arrangements and applaud the return to the established system. They made it clear that a move back to the pre-COVID arrangement is not an obstacle as theirs or their family's ability to pay for proper in-time medical intervention is not an issue. For me, this dichotomy is difficult because the stark differences in society are underlined as people from different socioeconomic backgrounds seem to have little understanding of the values and challenges that are faced by groups that do not share their own experience. By this I mean that there is little understanding on the part of those who have not, of the anxieties of those who have.

[9:45]

“I have not been able to see my doctor when I want to during the COVID period” from somebody who has. On the other hand, those who have seem to have no understanding of the anxieties of those who cannot afford to fund a general practitioner consultation and so have limited ability to conceptualise the dilemma of the individual or family confronted with the financial choices involved. This brings me to the fundamentals of our primary care system. We have an expectation of our primary care sector, that they can view the consumer holistically. That means to look at every aspect of the consumer's needs and aspirations in life. This is a fundamental approach adopted by healthcare professionals in all sectors of our current health community, except the general practitioner community who accept that certain people will not be able to access their services, especially children because their parents cannot afford these services. Claiming to be holistic in their approach with those that can afford the service becomes a denial of a right. In this instance, for children who do not have the privilege of a family who have sufficient income to fund a medical consultation. The fundamental flaw in the current arrangement is that G.P. practices are businesses and are managed by the market. There have been many concessions over the 30 years that I have been resident here in Jersey but they mainly have been window dressing around damage limitation associated with G.P. businesses maintaining their share of the market. These arrangements have been largely concerned with reducing fees for children. The reductions have been more about retaining market position rather than a concerted collective effort to improve access to primary medical care. To conclude, I feel I need to address the real differences between the urgencies associated with illness in children. Even into their teens and those that adults experience. There is no doubt there are a number of illnesses that arise in children that could be significant in relation to their longer-term well-being. Some will manifest in their younger life. For example, respiratory conditions, such as asthma. Many parents if they are unable to afford a G.P. consultation or visit will wait until the child's symptoms have become extreme and would warrant an Emergency Department visit. In later life, an adolescent under the age of 18, who is sexually active, and is trying to pursue solutions to issues of sexually transmitted disease could well be deterred from confiding in a general practitioner given the child's dependence on parents being involved in the practitioner consultation because a parental payment is required. For adults, the dilemma persists. Where do you go if you have symptoms that are not responding to the over-the-counter medications and you cannot afford a G.P. consultation? I will finish my speech there.

1.1.2 Senator J.A.N. Le Fondré:

I think the fundamental point that Members will have to decide - sorry, I am keeping my camera off because we seem to be getting a few little glitches on the system at the moment, so I will keep the

bandwidth down - it is not fundamentally or necessarily just about money, which I think one or 2 speakers have also alluded to, the fundamental one is ... I suppose the really simplistic way of putting it is we cannot deal with P.125 - and I will talk to that a little bit more in a second - and do P.80. The reason is, I will explain to that a little bit. So just to touch on obviously what the States approved and what the proposer obviously made at that point. It was to devise a scheme, so the amendment that the Assembly approved back in February this year was to devise a scheme which improved access to primary care by reducing financial barriers. It was not removal. In the actual report from Deputy Southern at the time it says: "It is perfectly reasonable to expect the Minister of H.S.S. (Health and Social Services) to bring his refined scheme to the Assembly by the third quarter with a view to delivering [and this is the crucial bit] more affordable access for some groups by 1st January 2021." Obviously with everything else, COVID has, as we know, caused massive delays. So while the first bit, which was to report by the end of the third quarter, may slip, and I mean by a couple of weeks - in other words I think it is now going to be brought to the Assembly in October rather than by 30th September - the absolute deadline is to get the system in place for 1st January. Certainly from when I have been speaking to officers, and that includes yesterday, they are absolutely clear that they are working to get that before the Assembly and in time for it to be implemented on 1st January 2021. But they were also clear that if this proposition is approved that will almost certainly not be achievable. Why is that? Essentially it is because it will require, in their view, significant renegotiation of the contract with G.P.s. What we need to understand is that the current contract cannot be extended. It will fall away on 10th August. Therefore a whole new mechanism needs to be designed ... if this proposition is to be approved it would need to be designed and agreed with G.P.s in the next 3 weeks. That is about definition of services, payment mechanisms, there is no operational process, there is no governance. The way it has been put is that they are really quite serious questions that need to be asked when you are designing that sort of service aimed at children even on an interim basis. So a hasty solution would not offer the robust mechanisms which the Attorney General referred to yesterday. So in a really simplistic way I think of looking at this, is if we put something together to meet this proposition, if you like a hastily put together service just to meet the objectives of this proposition if it were to be approved, it will slow down significantly the better solution which the Minister has committed to. I do confirm that the Minister is absolutely committed to the work that he and his department and his officers are doing and to getting that in place for 1st January. I think there is one thing that Members take away from what I am saying, is that it does cause significant delays. Now obviously, as has been alluded to already by the Minister for Treasury and Resources, as part of the measures, and it is not necessarily the solution but it just saying we have not done nothing, in less than 16 days' time a household on income support and, as we have said, pensioners - I think it is Pension-Plus - will be receiving, if it is 2 adults and 2 children, £400 in their bank account within 16 days. That is not the solution but it is a kind of stopgap position anyway but just to say in practical terms if there really is an issue, as well as all the usual fallbacks, and I am sure one of the other Ministers or Assistant Ministers will talk to those. The present position is that there are 5 practices which offer free consultation to those aged under 5 and all ...

The Deputy Bailiff:

Chief Minister, Deputy Ward has raised a point of clarification. Do you wish to give way?

Senator J.A.N. Le Fondré:

Can we do that at the end?

The Deputy Bailiff:

Yes.

Senator J.A.N. Le Fondré:

Okay, and we will go from there. All practices offer some form of reduced price for children and young people already. Obviously the purpose of this proposition would be to provide free access to all children and we can get into those debates but it does mean it will include many families who can obviously afford the G.P. fees. I think what is worth just pointing to, is that there are ... obviously the Consumer Council has done certain surveys in the past under primary healthcare matters and I believe Deputy Martin referred to the impact on services of a free service. One of the concerns the Consumer Council came across was that: "Consumers felt that the health system might get clogged and abused if doctors' appointments were free." I appreciate this is not quite what we are talking about, that also goes into the next proposition, but that was a finding that came through. Just in passing, and I have been negligent in not saying it earlier, I absolutely endorse the comments by Deputy Ash in relation to Deputy Alves. I think he was absolutely spot on and although I disagree with her in this particular instance, she is to be commended for the work she does within the Assembly. I think the other point is - again this is around one of the surveys, I believe it was the Jersey Consumer Council - about co-payments and the support for co-payments. While there was not universal support, in the survey that they did, which was in response to: "Does the cost of any of the following stop you from going?" it was about G.P.s and children's appointments, 75 per cent of people did not feel it was a blockage. So we are dealing with around 6 per cent said definitely yes, and 12 per cent said yes, sometimes. Those are the ones I would suggest that we already cover under the existing systems. It very much depends on the philosophy of Members but the feedback, as I said, from the Consumer Council was a concern about if services were completely free. The conclusion, there was a suggestion this is probably more looking ahead to what does come through in the scheme in October for implementation in January, was about having lower fees, which I think we would probably all sign up to but it was not about having no fees. I have been asked just to confirm - I believe this is in relation to a question Deputy Morel raised yesterday - that all pregnancy services are provided free as a hospital service for those who do not wish to access a G.P. I think really just starting to sum up, to reiterate the points around the U.N.I.C.E.F. (United Nations International Children's Fund) comments that had been alluded to earlier, and the comments made by the Attorney General yesterday. It is not necessarily about having a free service in order to meet our commitments. But I think the final bit really, just to reiterate, there is no contract with G.P.s after, I think, 10th August and there is no easy way of implementing this proposal without causing significant delay in P.125, which is the proposition that this Assembly approved, was the target and the challenge we set to the Minister for Health and Social Services in February to deliver by 1st January. The Assembly can always redirect its priorities but I would suggest that the consequence of that will be far more detrimental of delaying P.125 than the benefit achieved by approving this proposition today. It is that challenge as well, is the Assembly gave the Minister a direction. It is now July. We have obviously had delays because of COVID, we all know that, and that will be a message that Members will hear many times I am sure in the next few months. But that work is being done and is it right for Members to decide, for the Assembly having set a direction, to then change the timing and speed and direction of travel of that piece of work in relation to a slightly different priority. I would suggest that that is not a good way. It is not fair on the Minister and his department. There will be arguments around the benefits to the individuals of course, which I think I have covered a little bit from what I have been saying. But the fundamental decision is: do Members, in supporting this today, want to delay P.125? I would suggest that it is more beneficial to support the Minister, to support P.125 that this Assembly approved, and therefore regretfully I would ask Members to vote against this proposition. There was a point of clarification?

Deputy R.J. Ward of St. Helier:

A couple of points just because of how specific this proposition is. Is the Chief Minister saying that by extending this programme to fill the gap in the time to January it means there will be a formal delay to anything enacted in January because of the lack of capacity in dealing with it? The second

point of clarification is regards to cash that is going into people's accounts and the vouchers. Is the Minister saying that this cash and these vouchers can be spent at G.P.s?

Senator J.A.N. Le Fondré:

There are 2 things being mixed in there. Firstly, it is the fact that it requires the contract to be renegotiated.

[10:00]

The practical difficulties of doing that within broadly speaking less than 4 weeks, let us say 3 weeks, would cause significant delays to the production of P.125 because everyone has to ... as I have said, you have to design the mechanism, which is around definition of services, payment mechanisms, operational processes, governance in particular because this is a service aimed at children, as well as then getting the contract agreed and to get agreement it requires agreement from both sides. It is not something one can impose.

Deputy R.J. Ward:

My apologies for interrupting. It was a very specific question and it was about the time delay. Is the Chief Minister saying that if we delay now with 3 weeks' work that would delay January's implementation by 3 weeks? It is specific terms. I think we owe it to the Assembly to know specifically what timespan is being talked about because a lot of warnings are being given but we need some specifics. I hope that is understood.

Senator J.A.N. Le Fondré:

I suspect the issue is that it probably cannot be done in 3 weeks. I do not have that information directly to hand. I will endeavour to get that back to Members if I can but my understanding is it causes delay. It would mean that we would not be able to meet the deadline of 1st January. So a lot of work has been done to try and get the proposition in the place, I believe it is going to be coming to the Assembly by 30th September, by early October, as part of another debate that is coming out of Health at that time. But there are only a limited number of people who deal with this particular area and therefore you will be taking those people out of dealing with P.125 and putting them into renegotiating the contracts. But firstly, one has to know what one is renegotiating, therefore one has to have a system designed. That system does not yet exist. So it would cause delay. I do not believe it is just a 3-week delay. It is almost certainly going to be longer because my impression is that P.80 could not be put in place for when the contract with the G.P.s expires on either 9th or 10th August. The second point, the Deputy slightly mixed up the vouchers versus the payment I referred to. The vouchers which will be going to every man, woman and children in the Island is scheduled to be released in September. The payment I was referring to, in less than 16 days, is one that is being paid through the social security system and is purely going to be a cash payment paid into individuals' bank accounts who are on essentially, I think it is Pension-Plus, and those on income support. I think in total it is either 12,000 or 14,000 individuals from memory. That being cash is not restricted in how that can be spent. Obviously the expectation is that many of those receiving it will in some ... it will generate an element of a stimulus but it is also designed to help people who need help as a result of what we have all been dealing with. The voucher system is specifically designed to be a fiscal stimulus matter, it is geographically restricted, it cannot be spent online and is basically a pre-charged debit card.

Deputy R.J. Ward:

Just to make my point then to clarify ...

Senator J.A.N. Le Fondré:

Is this a further point of clarification?

Deputy R.J. Ward:

I think it is a clarification of a clarification because it was not clarified is that are those vouchers and money being suggested it could be spent at the doctors? It is simple as that; yes or no?

Senator J.A.N. Le Fondré:

I suppose logically they could be. It is essentially going to be capable of being spent in Jersey at any place that has a contactless machine, I think is the principle. That is assuming that the mechanism which, as I believe we are going to, we are waiting to get some confirmation that the mechanism to go for is the electronic card, that I am expecting is going to be the decision we are going to be asked to be made probably in the next 2 or 3 weeks.

Deputy R.J. Ward:

Thank you for the Chief Minister for bearing with me.

1.1.3 Deputy M. Tadier of St. Brelade:

Members might have noticed that I have been holding back. I am trying not to speak in some very important debates and I think I have got to the last speaker we have just heard in the Chief Minister, and I am frankly flabbergasted and I think hopefully by proxy on behalf of some of my constituents of some of the things that we have heard. Let us put this in context. First of all, we have a Government here which is agreed, and we have a Government which is in coalition with independent Members and with Reform Jersey, which is a social democratic and progressive party. I make no apologies for mentioning that. The Chief Minister has given an undertaking to work constructively to certain key aims which is to put children first and to reduce income inequality in this Island. Yet I am still waiting for the Chief Minister to keep his side of the bargain with not just our party but the contract that he has made in that document with the Assembly and with the people of Jersey because this is a prime way for him to show that he is serious about those commitments. That he is serious to putting children first because that is what this proposition does. We also have a longer-standing commitment to the 1,001 Days, which shows that looking after children and young families does not simply start at birth, it starts before birth. What Deputy Alves is doing here is actively seeking to enshrine that policy into reality so that we are helping young women and young families, or not necessarily young but expectant mothers and expectant fathers who are about to have children during that very difficult time. When I hear this vague nonsense - I have to call it that - well it does not matter if some people fall through the nets because at least we have given this £100 voucher to people and they can use that to spend on healthcare, is that really what we have come to? I mean personally I really welcome the fiscal stimulus that has been put out. I think it is really progressive and it is progressive because it is not means-tested. Because everyone in the Island, whether they need it or not, is going to get that £100 and some of the poorest will also get another £100 to spend in the economy, to stimulate local businesses. A by-product is that that will help them become well-off. We also had the chairman of the Chamber of Commerce telling people to spend their £100 on food and going out and doing things they would not normally do. I do not think it was ever envisaged that the poorest in our society, who cannot afford to see their doctor, should use that £100 to spend. The fact that that is being used as a fallback position certainly rings alarm bells with me. I have sat with constituents during this crisis in Les Quennevais outside on the bench and I have heard them tell me, and I am happy to take any Member to see these people, any Minister, but I am sure that other Members have also had similar experiences. It has been harrowing to hear somebody tell me, who has been unable to work and who has fallen through the cracks because this individual did not have COVID *per se*, but there was a work situation where she could not go to work and it was COVID-related. She said: "I cannot afford to get ill because if I do get ill I cannot go to see the doctor." To make it worse, when she was telling me this she was already ill and she needed help and she is managing on a few pounds a week due to her financial situation. Because sometimes the bureaucracy of our system means that people do fall through the cracks. It also strikes me that we are being told

more and more by the civil service what we can and cannot do as an Assembly. We have had some, I think, passionate speeches today but we have also had some speeches which have clearly been written for Ministers by the civil service to shut down what a Back-Bencher is trying to do to fulfil her obligations to her manifesto and I think to what we have all signed up for. That is to put children first and to reduce income inequality in this Island and to really help those who most need it. Remarkably, unlike this £100 fiscal stimulus, which I have said I support, Deputy Alves' proposition here is, as I see it, temporary, targeted and timely. It is targeted to those who most need it, those groups. It is temporary in the sense that it is a stopgap to continue this scheme until the Minister can come back. It is also timely because I am sure we have all noticed it, we are in the middle of a crisis. People will really appreciate this intervention at the moment. This is kind of an aside but when I was listening to Deputy Ash yesterday, and he was full of praise for Deputy Alves. He said: "I came into this Assembly today expecting to support this proposition" and saying how good Deputy Alves, and she is much better than all those other politicians who he proceeded to denigrate, which I agree with, although I do not necessarily agree with the denigration part. I would say, and I do not want this to be patronising or overly sentimental but I think it is true, that there has been a concerted drive to get more women in politics and I believe that women bring a different voice to the Assembly. They often give us a voice which is not dominated by financial considerations but by familial ones because they spent time, they listen better certainly than I do, and they spend time with their constituents and before they have been in the Assembly they have got a different perspective often. I do not want to generalise because I know I could get ripped to pieces for that. But what is the point in having these really valuable women with perspectives in the Assembly if when they try and bring something constructively the very white civil service echelons at the top just construct pre-written speeches for other Ministers to shut these very good ideas down. I would say that we need to listen to what is being asked for here because Deputy Alves is somebody who is very close to her constituents in all their walks of lives and she has listened, she has been in a professional background, she has seen the inequalities that exist in a school situation and those many difficult backgrounds. I will make this my last point. I could go on but I will not. I do implore Members to support this proposition because it is not incompatible with what the Minister for Health and Social Services is trying to do, it should be working sleeve in glove. This is not about whether we trust the Minister for Health and Social Services or not or whether we trust Deputy Alves more. It is about saying: "Look, we want to achieve something as an Assembly." If it is left to the civil service with their competing pressures a lot of things would not get done. I mean remember what happened to children in accommodation, which was passed by an Assembly, and we are still waiting for that to happen. So this is about the Assembly exerting its authority and saying: "Look, we want to achieve something positive" and I think that is the message I want to be going out today. We can do something tangible today and I do ask Members who are wavering to give their support to this proposition to enable the good work that will be done, to instruct the Minister in the direction we want him to come back with his main proposition. Let us achieve something for those worst-off in our society. I do have one last point, I just remembered it, and I have said it before. It is even more prescient at the moment because a friend of myself and my partner has recently been diagnosed with a form of cancer - I do not want to go into too much detail - and that person put off ... I hope she is going to be all right and I know that she did not necessarily get it diagnosed quickly enough for whatever reason, and I am sure that the pandemic was an aggravating factor because she did not want to go out, she was scared of getting ill. The point I would say is if we can instil a pattern of behaviour in the youngest people in our Island like going to see the G.P. when you are ill is normal, and that is what you do, because so many people just do not go to see the G.P. in Jersey. The costs, although they might technically be able to afford it, many cannot and it acts as just one other disincentive. This argument that people will abuse going to see the G.P., I mean who are the people who will go to see the G.P. for fun just because it is free? I mean I would not do that. If you go to see the G.P. when you are not ill and you continue to do that then you are a hypochondriac. If you are a hypochondriac you are ill and you need to be going to see the G.P. and you need to be picked up by the system.

[10:15]

But the reality is that people will not abuse it, they will be going to see the G.P. for the first time and that when children turn 18, and they may have to pay for it, at least they will have that ability and that relationship built up with the doctors that they know it is okay to go and see somebody when you are not feeling well and that cost should not be the primary consideration. So I do implore Members to give the support, not just in word but in their vote, to what I think Deputy Alves is trying to achieve today, and it is consistent with what the Minister is also trying to achieve.

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

It has been a very long debate and I do not think anyone for a moment questions Deputy Alves' motive for bringing this proposition whatsoever. I am struck by what we have just heard in that saying: "You made this commitment, you made that commitment." Yes, but that does not mean we have to vote for absolutely every proposition that is brought to the Assembly that is tangibly linked to these particular areas. We all have to work within the financial envelope. We heard yesterday from the Minister for Health and Social Services, who gave a very good speech, explaining about the practical aspects of this. Being able to draw out of thin air a new contract which was negotiated with the G.P.s, who, by the way, people have said what a wonderful job the G.P.s have done and, yes, they have absolutely. But at the same time let us remember also they are private businesses and they were keen to co-operate with the Government because also their work stream has been drying up quite considerably as people were not going out and seeing them. There was an element of the price of co-operation that came from G.P.s, which is not necessarily going to be there at this time now because we are in a very much different world, as we have moved through the pandemic. What would have to happen, as has been said, is we would have to renegotiate a new contract within 3 weeks and we are being told that that is not something which can just be done, as well as all the negotiations, the elements, that would need then to be brought in. Of course, while we are having to do all of this, then that is going to take officer time and resource from the bigger goal, the bigger prize that the Assembly has already approved and the Minister is working on. Then the Minister comes to this Assembly and says: "You have given me this direction, this is what I am working on and now you want to distract me and put me out over here." I do have a lot of sympathy for the Minister for Health and Social Services trying to meet the aims of what this Assembly has asked him to do and now he is having this chucked in at the last minute. There are practical difficulties with what is being asked for here. Also, Members seem to suggest that when income support is calculated, costs and elements for G.P.s are included within the allocations of income support. Members are making out as if we are totally pulling out all the rugs of every vulnerable child on this Island; that is not what we are doing at all. It is just reappraising and obviously the emergency contract that was in place is obviously going to come to an end and the Minister then is trying to bring in something for the new year. Also, the Deputy of St. John has raised the point about potential sexual health matters. Can I just remind Members that Brook is free and the G.U.M. (genitourinary medicine) Clinic at the hospital is free? There are pathways for young people who find themselves in those situations already today. I think we all feel uncomfortable in the choices which we are being asked to make here today. But the Minister is working to a plan, he is committed to delivering it and we should support him in getting it there.

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

I am very happy to follow my fellow Assistant Minister for Social Security, who I think made some very valid points. I think there has been a lot of talk in a lot of ways about the vulnerable children and I absolutely agree with that, that there are. But, as the previous speaker said, there is a component within social security and income support to help with those areas and pay. The whole idea of renegotiating with doctors for the next 3 weeks, will it be 3 weeks or will it be more? Once we go into a point of the doctors going back to normal, they are going to be busy working in other things. This seems like a short-term gain for long-term pain. Rather than waiting for the negotiations to

continue and for the Minister for Health and Social Services to carry on, we want to throw something in quickly now that will delay. For me, that is not putting children first, it is not. A short-term gain is not putting children first. Getting a properly organised and negotiated plan is what is going to help the children of this Island for the long-term benefit of the Island. I think Deputy Tadier was confusing some things there. He talked about the 1,001 Days but we know already at the moment that in 1,001 Days the zero to 4 age, it is free, so that really does not cut muster. I was a little bit disappointed, the comments he made about the civil service and I think he owes them an apology. To say that they are going against this proposition to try and stop somebody from fulfilling their manifesto is very unfair. I do not think the civil service will try and stop a manifesto and try and do harm to somebody in any way, shape or form or stop something just because it is in somebody's manifesto they do not agree with. I do not think that is absolutely fair at all. I think the talk we have had a lot about helping children has to be a long-term gain, not a short-term gain. We should, unfortunately, not support this short-term bonus so that we can get on and let the Minister for Health and Social Services continue with a contract and a service. We have got to negotiate with the doctors. Some people seem to think that we can force them to work for us. There is no law in any of our laws that could make us put people into servitude against their will. We have to negotiate with doctors. We have to get this right. Any negotiation is a 2-way street, so we have got to make sure that everyone gets what they want out of this, especially the Islanders. Please, can I implore people to just stay the course, let the Minister for Health and Social Services continue the work and his team to negotiate and that is what is going to be the biggest benefit for children and vulnerable sectors of our society because it sets out a long-term plan on how we can help in that way?

1.1.6 Connétable P.B. Le Sueur of Trinity:

I will not prolong this debate but I am, like many Members, really struggling with this. I think, as Ministers and Assistant Ministers have identified, it is fine perhaps if you are already in the social security system and there are mechanisms there to help you out. But the concern that I have is for those families who are still on the margins who do need help, they are perhaps struggling just to get by day to day but they are not necessarily in the system. When they hit a bump in the road and the question comes down to do we put food on the table or do we take the child to the doctor? In the interim situation I think that we should be doing something to support them. Our Government seem to be able to look under the bed and find cash when they need it to employ executives and consultants, and in terms of timescale we are getting a deal arranged with the doctors. We almost bought a temporary hospital at £14.5 million overnight, it seems to me. I think these things about delaying the timescale are spurious. I will be supporting Deputy Alves in this proposition.

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

I would like to start just by returning to the wording of the proposition. I think that it is right that we have heard from both sides regarding the emotive questions and also the practical considerations. But from returning to the language of the proposition, it is clear that we only have to ask ourselves a few questions in order to decide whether or not we are willing to support this today. The proposition asks the Minister for Health and Social Services to take such steps as necessary to implement the following things for a period of time between the end of the agreement with the Island's G.P.s and 1st January. It is a stopgap that does not impinge at all on the Minister for Health and Social Services' rights, responsibility and plans to implement a scheme from 1st January. In fact the idea that negotiating the terms in this particular proposition somehow impinges on that I think is a bit of a red herring. Because part (a) asks us: do we want young people to receive free G.P. consultations between the ages of zero and 17? Do we want that or not? I think we do, so I agree with part (a). Part (b) says: should we reduce the cost of a pregnancy package for pregnant women from £120 to zero? I personally think that we should do that; other Members may disagree. But that, again, for me is an easy yes; I think that should be the case for the benefit of unborn children. Then part (c) asks us: should we identify an appropriate source of funding for this improvement? I think absolutely

we should identify an appropriate source of funding. In terms of negotiations, I think that if a primary care body were presented with (a), (b) and (c) of this proposition, I do not believe that it would require the length of time or even add difficulty to the January considerations because they, like anyone else reading this, would see that this is in some ways irrelevant to the proposals for January. This is a very simple and straightforward proposition that has been conflated with a completely different process. The idea that it is going to put a halt to a whole other huge piece of work is a little ridiculous to my mind; it is a completely separate issue. I think also the fact that we have not had clear answers to the questions raised about why this would cause a delay and how long that delay would be renders those arguments infallible. They are very simple questions and they were not giving clear answers. I think Deputy Tadier made a very good point about the different experiences and skills that different Members bring. I think he is right to, without generalising, explain that women and men do have very different life experiences and that Members, such as Deputy Alves and me and other women in the Assembly, will bring a different view, in the same way as former teachers we will bring a different view. I think that this is something I have pointed out in private to the Minister for Health and Social Services but throughout this crisis what I find has been lacking generally is the nurturing approach, is that nurturing touch. We have seen it in the communications or in the briefings, it is very technical, which is obviously required and necessary.

[10:30]

But one of the greatest hurdles we have been trying to manage throughout has been reassuring the public and giving confidence to people and making people feel safe. I think these things are often dismissed as being unimportant because we have to talk about money and technicality. But behavioural psychology tells us that if people are feeling certain feelings it will completely influence how they choose to behave and it will completely influence whether or not they choose to go and spend money in the economy or not and whether they choose to socialise or leave their homes or not. In some ways the consideration of people's behavioural psychology has been grossly overlooked and is something that we have to address. While that is a tangent to the main point of what I am saying here, we have to acknowledge that this issue about being able to afford a doctor is not a coronavirus issue; this is not a new issue. People have been struggling to afford G.P. visits for many years and we know that to be true from talking to people; that is not a surprise. What we are doing here is we have found an opportunity, we have found something positive that we can do in a crisis that addresses an old problem. For me, this is a bit of a no-brainer. This is not the disruptive, delaying proposition that it is being made out to be. It is asking us 3 simple questions, do we want young people to have free G.P. consultations? Yes or no. Do we want the pregnancy package to be free? Should we identify appropriate funding to achieve those 2 things until January when the Minister for Health and Social Services can come back with a plan, which may continue those things or may change them? But this is not a wrecking ball and I think the portrayal of it as such has been a bit inappropriate and completely political and does not put the best interests of young people at heart.

1.1.8 Senator S.W. Pallett:

I am going to be brief because I think so many areas of this debate have already been covered but I just wanted to make my own position clear. I have struggled with this, I have deeply struggled with this. I know I am an Assistant Minister for Health and Social Services but I have toed the froed in regards to which way I was going to vote for this. I know my Minister may well be thinking that I am not being supportive but it is an extremely emotive issue, healthcare for children. We may well get to a point at some stage in the not too distant future where free healthcare for children is provided up to the age of 18. The one thing that has always been in my thoughts is P.125 and the timeframe that we gave the Minister to find a long-term solution. I think a stopgap solution is undoubtedly going to take time to organise and implement and whether we like it or not it will take officers time away from formulating a longer-term solution. I think we all know that officers have been under extreme pressure and they accept that. But, nevertheless, they have been working extremely hard

and I think to now ask them to go away and find a short-term solution for 5 months, as attractive as it may be to some, is, I think, not fair on them and, for me, not fair on the Minister when he has already agreed to come back with a solution prior to January 2021. What I would like to see, I certainly do not want any parent to be considering not going to a G.P. purely because of cost. That is clearly wrong, it is something that we have to address and it is something I know that the Minister wants to address in his longer-term solution. What we do need to find, if we are not going to support this, is we do need to ensure that any family, any parent, single parent, be what it is, if they are struggling to find the funding to take their child to the doctor then they need to be supported. I know income support provides support and I know people have talked about the £100 that all Islanders are going to get. Something that has been crossing my mind is whether we could reassess that £11 million and whether some of that could be re-diverted into something, to support this, for example. But I understand where the Minister for Economic Development, Tourism, Sport and Culture is trying to go with that £100 funding or £200 for those on lesser incomes and it is very much into supporting the economy. But, that said, if that money can be used to support doctors' fees or as part of the criteria, then I would support that. But I go back to the point that we have given the Minister for Health and Social Services until January 2021 to find a solution for the longer-term scheme and I feel I have to support that. But what I will be doing is looking at what that solution is and trying to ensure that the Government do look after those that are most in need, do look after children, which is something that we have, as an Assembly, very much signed up to and we cannot forget that. Although I cannot support this proposition, I have struggled with it and I will be looking to ensure that we get the right solution in future and no child is left in a position where they cannot go to see a G.P.

1.1.9 Senator S.C. Ferguson:

We have heard a lot of woe about treatment of children and I have got great sympathy for that; nobody cannot sympathise. But what about the people of my generation, the ones living on a social security pension in social housing and are just above income support level? They are just as much in need as the children. I do not think we must rush to just look after one section of the community because it is extremely divisive. Okay, children are the future but a lot of what the children have got to look forward to the foundations were laid with the people who are now pensioners. To look after one and not the other I think is grossly divisive and grossly unfair.

The Deputy Bailiff:

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

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

I want to start by thanking all Members for their contributions. It has been a very long and insightful and, at times, emotive debate, so thank you. I would like to specifically thank Deputy Ash for his kind words and other Members who endorsed them as well. I do hope that Members recognise that I do not bring things forward to the Assembly lightly and I think it is really important that when you propose something that you know the tangible impact and difference it will make to people's lives. I am going to pick up on a few points because there were a lot of common themes throughout the debate. Deputy Young mentioned that I have seen first-hand from translating at the doctors' surgeries the type of difficulties that guardians face when accessing G.P.s. Fortunately, I have worked for some G.P.s that have been very understanding and accommodating, however, this does mean that we are relying on goodwill and this is not applicable to all doctors' surgeries and it is not sustainable. We should not be relying on goodwill to ensure that children are seen by a doctor. I believe it was the Minister for Health and Social Services and the Constable of St. Saviour and also Senator Ferguson who mentioned that we should not be giving free G.P. visits to all children, regardless of their guardians' economic status, as this could be to the detriment of other vulnerable groups. Although I agree with the Constable of St. Saviour and also Senator Ferguson that it is not right that

our seniors are means-tested for everything and that there are those who are on income support or in social housing that do not necessarily get support with their G.P. fees, I do believe that my party colleagues have always opposed these measures and this will be something that will probably be spoken about in the next proposition by Deputy Southern. But I want Members to recognise that all children are potentially vulnerable, regardless of their guardians' income. I am not just talking about from my experience working in a G.P. surgery but also from my experience as a teacher. Deputy Doublet mentioned some of her experiences as a teacher of the families that are struggling and the impact it had on children in her care. I would like to give another example, abuse does not discriminate. If a child is being abused by a guardian, what is there to say that that parent or guardian is not well-off financially? I have seen it. It does not matter whether guardians are well-off, abuse can happen anywhere. What if the child's only potential option is to disclose to a G.P.? If we do not do this for all children and we base it on economic status, then we are potentially denying these children from having a right to a G.P., from having the opportunity to disclose and to get the help they need and deserve and Deputy Pointon also spoke about this. I understand that some Members may think that this is an extreme example but it does happen and it is happening. According to some statistics from the childwelfare.gov website, in 2017 parents acting alone or with another parent or individual were responsible for 80 per cent of child abuse. Then what about those children who just do not feel comfortable talking about intimate parts of their health or their mental health in front of their parents or guardians? I know that I was very self-conscious as a child and experienced things with my body I did not want to tell my parents. But I probably would have told my doctor if I did not have to take a parent with me or run the risk of getting the third degree when the bill got home. I never would have told my parents if I was self-harming or having suicidal thoughts because I would have been afraid of their reaction and I would not want to have worried them. It is really important to recognise that vulnerability does not come from economic status. We do not know what goes on behind closed doors and in children's minds. Having had numerous children disclose some horrific experiences to me, I can assure everyone that economic status for children is irrelevant. Deputy Doublet and Deputy Morel mentioned that there is a facility available for pregnant women to have free pregnancy appointments via the hospital and this was also confirmed today by the Chief Minister. However, as was also mentioned previously, any expectant mother or just anyone would feel much more comfortable seeing someone they have grown accustomed to or have formed a relationship with and someone who has access to all their medical records. This is something that is brought up time and time again, especially during our public hearings with the Minister for Health and Social Services. Anybody would prefer that than a stranger in another setting, which will be foreign to them. Not only would you be seen by someone who you have not built a relationship and trust with but, potentially, it would be a different person for every appointment. You are also going to a place you are not used to going to during one of the most intimate times and experiences you will ever have in your life. As Deputy Perchard mentioned, behavioural psychology is often neglected but it is so important. We are not only considering the health of the unborn child but we are also considering the mental well-being of the mother, which plays an important part in the safe development of a child. We know that stress and anxiety in pregnancy can have a negative effect on the unborn child.

[10:45]

Like I stated in my opening speech, I do know that there is a surgery that does not charge anything for pregnancy-related appointments. Surely this shows how important it is, it is doable and the data is there. Timing was something that was mentioned a lot throughout this debate, both yesterday and today. We are halfway through our time of office, G.P. fees have been recognised as a barrier long before I started here and I mentioned this in a previous speech, I think it was to the Government Plan. It was a barrier when I first got a Saturday job at my G.P. when I was 16. I do not want to show my age but that is almost 20 years ago now, so this is not anything new. The fact that we had to approve a proposition from Deputy Southern in February of this year to instruct the Minister to even explore this is just unacceptable. This work should have already been done and at least started by previous

Ministers. This is nothing new, G.P. fees have always been a barrier for many people. Had this COVID crisis not happened I would have been quite prepared to have waited until January for the Minister to bring forward his proposals, although I do still feel that it has taken far too long. This proposition is in response of what has happened recently. Deputy Young asked: what support is there in the interim in these 5 months? Deputy Martin, the Minister for Social Security, stated: "There is income support and there are just over 3,000 children who are on income support." But those families were still on income support when the recent restructure of these fees happened. The capped fees that were introduced have benefited everyone on this Island but they are now going and income support only supports a proportion of our population. There are, for example, those who have a mortgage who may be struggling just as much who will not qualify for income support but would have qualified if they were in the rental sector. There are also those who do not qualify because of the 5-year restriction but yet until now they have all benefited and qualified for these reduced fees. I want to thank the Deputy of St. Martin who made some excellent points yesterday as well; 5 months is a long time in a child's life and, like he said: "If we are not prepared to allow the co-funded payroll scheme to come to an abrupt end, putting businesses at risk because of all of the hard work that would be undone, then why are we prepared to do that with our Islanders' health?" As Deputy Pointon and others have suggested, the alternative is that more people will attend A. and E. (Accident and Emergency) unnecessarily or they will delay treatment. For those like the Minister for Treasury and Resources who are concerned with funding, there is a long-term saving to be made here. I think, historically, this is the issue with the States and the Government, the years and years of under-investment across areas of government. This is one of the primary complaints I hear from numerous members of the public and I am going to reference our mental health Scrutiny report again. Because in that report we recognised that there was severe under-investment in our mental health services and to what end? What did that achieve? It achieved causing more and more Islanders to go untreated for their mental health problems and getting to crisis points. We saw a facility which was not fit for purpose. My Scrutiny colleague, the Deputy of St. John, who is experienced in the mental health area, was particularly shocked when we visited the facility in St. Saviour. This is an ongoing problem. This is something we hear time and time again. We cannot spend money now but we never look forward. This is why so many Members get frustrated. If you spend some money now you will save a lot more in the future. When we are talking about health we should not be disincentivising people from seeking early intervention and care because in the long run it will cost us more; it is simple logic. If you invest in preventative measures you will save on emergency ones. Deputy Ward addressed Deputy Martin's points very well when she said: "If we make it free it will end up being double or triple the number of appointments." This was also mentioned earlier by the Chief Minister. If the Ministers believe this, then surely that is an acceptance that the current structure fee is stopping people from seeking the healthcare that they need when they are ill. Surely if that happens that is showing that there is a demand that has not been met until now, which, quite frankly, is embarrassing and we should be ashamed of. It highlights even more so the point that myself and other Members have made that Islanders are not accessing their G.P.s when they should. They are waiting, letting things deteriorate and develop and allowing illnesses to become chronic when they could have been treated and managed from the beginning. Some Members stated that we should trust the Minister for Health and Social Services and leave him to come up with the proposals. I do trust that the Minister for Health and Social Services may be looking to the best model but we cannot allow ourselves to default to a worse off position in the meantime while this work is ongoing. The pandemic continues and what happens if we are to have a second wave? Surely this provision, until an ultimate decision on the Care Model is made, is the appropriate way for us to tackle this crisis and the more vulnerable in our society. I would also like to remind Members that at the moment we are paying for every tourist arriving in this Island to have a COVID test but yet we are charging our local mothers for pregnancy care and children for doctors' appointments. A child that comes on holiday is, potentially, getting more spent on them than one that lives here. Would Members be comfortable with telling our local families that you are putting hoteliers' interests before them because I am not? Finally, I

want to address the point that the Constable of St. Ouen and the Chief Minister and some others made regarding resources being scarce and not being able to do both this proposition and P.125. The Chief Minister said that he suspected there would be a delay. Time and time again we hear the argument from the Government that officers' time, attention and resources will be taken away from other important things in order to fulfil the requirements of our propositions and so, therefore, the Assembly should just reject it. This is an unacceptable excuse. If the public service does not have enough officers to implement decisions made by the Assembly, then that is a whole other problem that needs to be rectified outside of this and any other debate. The past few months have proven just how quickly support mechanisms can be implemented, given the political will. We remain in a pandemic and the effects of the crisis are still being felt. They are not over, so the support should not end. This debate has been about whether the Assembly wants to sign up to the principle that pregnant women and children should not go back to having to pay for G.P. visits at a time where many are facing huge financial difficulties and are struggling to meet their basic needs. Rejecting this proposition is consciously deciding to restrict access to healthcare for children for 5 months. The Children's Commissioner and U.N.I.C.E.F. U.K. (United Kingdom) are all giving the same advice to the Government, which is that the fee structure is a breach of our obligation. In fact the Children's Commissioner tweeted just yesterday: "My work has concluded that health services fail to meet the requirements of the U.N.C.R.C. (United Nations Convention on the Rights of the Child) as access is determined by the status of the caregiver and not by reference to their right to the highest attainable standard of health. This will be in my report to the United Nations in November." By voting against this proposition we are not striving to improve, we are complacently letting things get worse. I ask the Assembly: does the Assembly have the political will to put children first and meet the requirements of the U.N.C.R.C.? Does the Assembly have the political will to make this happen? I maintain the proposition and I call for the *appel*.

The Deputy Bailiff:

Thank you, Deputy. There is a point of clarification, which is sought by the Minister for Health and Social Services, Deputy.

Deputy R.J. Renouf of St. Ouen:

It is just to ask the proposer, who said in her summing up that the Minister for Health and Social Services had to be told in P.125 to improve access to primary care and I wish to ask the proposer, would she acknowledge that it was a Government Plan commitment to do this work in the Government Plan 2020?

Deputy C.S. Alves:

Yes, however, the proposition did still have to come forward.

The Deputy Bailiff:

Thank you. Chief Minister, you have a point of clarification.

Senator J.A.N. Le Fondré:

Would the Deputy acknowledge that I said there would be a delay, I suspected it would be longer than 3 weeks? I mean by that it will be significantly longer than 3 weeks that has been alluded to. The contract finishes on 10th August. It has to be renegotiated if this proposition is adopted; P.125 would, therefore, be delayed.

Deputy C.S. Alves:

Yes, however, the Chief Minister was unable to give any certainty as to the exact time.

Senator J.A.N. Le Fondré:

Sir, may I clarify? It will be a significant period of time.

The Deputy Bailiff:

Deputy Alves, do you wish to comment on that?

Deputy C.S. Alves:

No, Sir, otherwise we will keep going back and forward, thank you.

The Deputy Bailiff:

Very good, thank you. The *appel* has been called for. The Greffier in a moment will put a vote in the Chat channel. This she has done, the vote is now open and I invite Members to cast their votes.

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

Sorry, Sir, it is not letting me access the thing, so I have had to go on the chat.

The Deputy Bailiff:

Thank you. We have seen your vote in the chat. If all Members have had the opportunity to cast their votes, I will ask the Greffier to close the voting. I think what we will receive is the vote on the link only to which any votes in the chat will need to be added.

POUR: 16		CONTRE: 31		ABSTAIN: 1
Senator S.Y. Mézec		Senator I.J. Gorst		Senator T.A. Vallois
Connétable of St. Helier		Senator L.J. Farnham		
Connétable of St. Lawrence		Senator S.C. Ferguson		
Connétable of Trinity		Senator J.A.N. Le Fondré		
Deputy G.P. Southern (H)		Senator K.L. Moore		
Deputy M. Tadier (B)		Senator S.W. Pallett		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy L.M.C. Doublet (S)		Connétable of St. Saviour		
Deputy R. Labey (H)		Connétable of St. Brelade		
Deputy G.J. Truscott (B)		Connétable of Grouville		
Deputy of St. John		Connétable of St. Peter		
Deputy J.H. Perchard (S)		Connétable of St. Mary		
Deputy R.J. Ward (H)		Connétable of St. Ouen		
Deputy C.S. Alves (H)		Connétable of St. Martin		
Deputy K.G. Pamplin (S)		Deputy J.A. Martin (H)		
Deputy I. Gardiner (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 S.M. Wickenden (H)		
		Deputy of St. Mary		
		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)		

2. G.P. fees and income support (P.81/2020) - as amended (P.81/2020 Amd.)

The Deputy Bailiff:

The next item is G.P. fees and income support, P.81, lodged by Deputy Southern. Deputy, you have lodged an amendment, do you wish your proposition to be read as amended?

Deputy G.P. Southern of St. Helier:

Yes, Sir, if I may.

The Deputy Bailiff:

Thank you. I ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Minister for Health and Social Services in consultation with the Minister for Social Security and the Council of Ministers, as appropriate, to take such steps as are necessary for implementation between the cessation of the current agreement between the Department of Health and Community Services and the Island's G.P.s and the commencement of a scheme on 1st January 2021 in accordance with the States Assembly's adoption of Affordable Access to Primary Care Scheme (P.125/2019) on 4th February 2020, to - (a) add to the list of those eligible for free primary healthcare through G.P. consultations, members of households in receipt of income support; and (b) identify to bring forward for approval by the Assembly an appropriate source of funding for the foregoing.

2.1 Deputy G.P. Southern:

For the moment I will keep the television camera off, if you do not mind. I start with a quote from the comments made by the Minister for Health and Social Services on my proposition, which I think it is just a wonderful little gem. It reminds me of the time 20 years ago when we used to have real quite personal fights but: "The approach adopted in P.125/2019 has Assembly-wide support", he says and I could not agree more. It has Island-wide support, I believe, but never mind. But he says then: "And to embark on rushed short-term *ad hoc* unfunded initiatives for a few months would be unhelpful, underestimating the complexity involved and prejudicing the work currently progressing." Wow, that could not be a more comprehensive damnation of what I am proposing. But while it reminds me of the good old days of jousting with Senator Walker and the like, I think it is very wide of the mark. Let us just have a quick look at the history of how we got here and let us just start with P.82/2012, which was a Health and Social Services new way forward, a new way forward that has taken a decade and is still not delivered. This was followed by the strategy, a Sustainable Primary Care Strategy for Jersey 2015 to 2020, which laid down some of the bare bones. Then we come to the Common Strategic Policy 2018 to 2020 and the Minister's reaction to that, which is in the Common Strategic Policy: "The Government is committed to actively engage general practitioners and other health professionals in developing and testing new bundles of healthcare delivery and to improve access to vulnerable people, including children [we have just lost that] and an ageing population to all primary care services, including dentistry and to make it easier and more affordable to use." Key to my proposition is the use of the word "affordable" there, which the Government is committed to. We then move on to the Government Plan and the Jersey Care Model; it is all coming together but slowly, slowly. They quote again and their comment is: "In the Government Plan 2020 there is a commitment to deliver new models of primary care, including the development of a model to support access to primary care for financially vulnerable individuals." There we are and the key words there: "Support access to primary care for financially vulnerable individuals." The question is: how do you identify and help those financially vulnerable individuals? I have a plan in the proposition P.81. The Minister, apparently, has some vague statements. We then move on to the argument around P.125/2019, which I brought to the House this year, and this confusion that says we cannot do 2 things at the same time and one thing, one way, one solution, gets in the way of any

other solution. It is a nonsense argument but nonetheless time and time again in the previous debate and presumably in this debate, we are going to hear exactly that argument: “We cannot do it, there is not enough time, there are not enough skills, and there are not enough people around. We just cannot do it.” P.125 instructed the Minister for Health and Social Services, in consultation with the Council of Ministers, as appropriate, to devise a scheme that improves access to primary care by reducing financial barriers for patients who are financially, clinically and socially vulnerable. So now we have expanded that to 3 groups of people who are financially, clinically and socially vulnerable, that we need a new scheme for. It suggests what the Minister should do is identify and prioritise which vulnerable groups are most in need of affordable access to primary care. It then goes on to say that he should identify the appropriate sources of the funding of such improved services and to bring a proposition for debate by the Assembly in the third quarter of 2020, in order that such a scheme can be implemented from 1st January 2021 and whether or not the Minister and the Assembly accept this proposition, P.81 or not, that job needs to be done. Whatever happens to P.81 the Minister is committed to bring a scheme in the third quarter that can be implemented from 1st January. That commitment remains. Let us just remind ourselves what we are talking about here. There is a commitment to bring a scheme that is sustainable, despite the arrangements that occurred over COVID, and to link that in with the Jersey Care Model. That in itself, because that is the way forward policy-wise, gives me great reason to doubt what I am being presented with today. It leads to a whole pile of questions that I would suggest must be answered specifically by the Minister if Members are to be confident in rejecting P.81, if that is what they choose. Let us start, as indeed Deputy Perchard did in the last debate, with what we are debating. So, the Minister is asked: “To take such steps as are necessary, for implementation between the cessation of the current agreement between the Department for Health and Community Services and the Island’s G.P.s and the commencement of a scheme on 1st January 2021 in accordance with the States Assembly’s adoption of ‘Affordable access to Primary Care Scheme’ (P.125/2019) on 4th February 2020” and to: “add to the list of those eligible for free primary healthcare through G.P. consultations, members of households in receipt of income support;” So note the timescale there. From 10th August when we are going to reintroduce, I remind Members, a £45 fee to see your G.P., which is unaffordable to many and I believe unsustainable, and 1st January 2021 use that gap to renegotiate a contract with G.P.s in order that we can bring down the unaffordable cost of seeing a G.P. The first question is to the Minister; the Minister has assured the Minister for Social Security and the Chief Minister that he is on track for lodging in quarter 3 2020, by which I presume that he means, since we are already in July and August is pretty empty, he means September, so on track for lodging in September. The date I have got differs from the Chief Minister, as the date I have got is 7th September when we might see what his plan is. The second question that needs answering by the Minister is: have you yet got some sort of financial plan in place? When we look at the figures I have produced for P.81 and we examine what happened over COVID, in COVID we estimated the cost to be £5.3 million for a 4-month contract and the outcome was cost slightly less at £4.3 million. Have we got any idea of what sort of scheme we are going to bring and how we are going to cost it? That costing work needs to be done. It needs to be done with or without acceptance of P.81, how much it is going to cost. Have you got that yet at least so that we can vote on P.81 with information? The next thing to ask is you were asked to prioritise, to identify and prioritise vulnerable groups. Have you done that? P.81 identifies clearly and has the means test involved in it, those people who are financially challenged, financially vulnerable, because they are in receipt of income support.

[11:15]

Whatever method you choose, I do not think you can deny that that is a very easy way to identify a financially challenged group, and one which can be assessed. If necessary, the Minister might want to add some other groups, and we have just attempted to add one group and failed, but that needs to be done. He needs to prioritise and identify which groups he intends to help. That job, with or without P.81, needs to be done. You can see what I am building up there is the fact that the job needs

to be done to the dates, which has been said, and this P.81 does not interfere with this process, which has to be done anyway. What I am suggesting contains a means test. Fundamentally, politically I am not in favour of means tests but I am politically aware that in our society, in our community, if I came without a means test I would be shot down. Again I come back to without this means test and identifying the people who should be receiving free or low-cost healthcare what we have is a blanket £45 that some can afford but not all. So the question is if you do not want to use my method for identifying who is financially vulnerable what sort of means test will you put in or are you prepared, as happened over COVID, to have a single fee somewhat reduced but not identify those groups? How are you going to deliver that? Returning to the history of things, as I mentioned briefly yesterday, this is not revolutionary. It used to be, pre-income support, that we had a system that delivered to financially and other groups free G.P. care and free prescriptions, in the day, from the Health Insurance Exemption card; and I just dug out my old, original security registration card. It is now 50 years old and it seems to me a very simple thing that you had there, it was a different colour, I think it was "H.I.E." (Health Insurance Exemption) in red on the card, which identified those people who could receive free G.P. consultations and free prescriptions at the time. It was the simplest method in the entire world to run, to identify who is eligible. That can be made to work and it could be made to work in a relatively short space of time. Part of my worry, and why I have brought this proposition, P.81, on top of P.125, is that I have seen how it is intended that a new system is to fit together within the Jersey Care Model, because the Jersey Care Model has got, having seen it in Scrutiny, next to no costings attached to it. This decision on what sort of services at what price we are going to offer needs to be resolved as part of the move to the Jersey Care Model. As I say, that has got scarcely any costings attached to it, so we do not know what we are getting. The fact is that at the moment G.P.s and the department know that to continue to charge £45 to see your doctor does put off a lot of people from going to the doctor, getting early diagnosis, preventative medicine and that that is totally unsustainable. As one G.P. said to me the other day, just imagine some time down the line you wake up in the morning, sore throat, go and see the doctor, £70. "Can I afford that?" and he said: "No, just bear with it." Eventually, unless we change the system, that is what we are going to see. It will not be £45, it will be £70. The doctor said it might even be £100 to see the doctor. That is not sustainable; it cannot be made to work; it is not affordable. My proposition says that for some people we can make it sustainable and affordable. What we are proposing here, having fought our way through the COVID pandemic over this 4 months, is we are returning not to something that is better, which should be our aim, but we are returning, I would say, to pre-COVID, the bad old days, at £45 to see your doctor. It should not be happening. As I started with this wonderful list that is from the Minister for Health and Social Services, in which he describes: "Embarking on rushed, short-term, *ad hoc*, unfunded initiatives for a few months would be unhelpful" the question I ask is does that sound familiar; something that was rushed, short-term, *ad hoc* and unfunded for a few months? When was that? It is in my proposition. Was that not what happened back on 10th April when we decided to reorganise and renegotiate our contracts with the G.P.s to completely restructure our health service? How long did that take? Can the Minister answer that? I believe it was a matter of weeks, not months, to renegotiate that contract, albeit for 4 months, and what I am saying today is we can do it if we want to. If there is the political will we can deliver that. We did over COVID. Why can we not deliver again a short-term contract that starts to put right this £45 unaffordable, unsustainable charge? I think we can do it and all these excuses about no time, no staff, slow everything down, are just ... Briefly, if I may, I think from the previous debate the Minister for Treasury and Resources said that in terms of payment from the Treasury to deliver more free access, particularly for young people, it was taxpayers' money. In fact, it is not taxpayers' money; it is money in the H.I.F. (Health Insurance Fund) if we choose to use it. I remind Members that when we are talking about we cannot afford to do this, for the moment, short term or medium term, there is £100 million in the H.I.F. I am not suggesting that should be just used willy-nilly, but I think it was the source of the £5.3 million that we estimated for the COVID new contract. We could do it if we politically choose to do it. At that point I will stop. Thank you.

The Deputy Bailiff:

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

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

I hope not to take the States time, because this is very much a repeat debate, I think. Some Members will know that under the committee system many years ago as a civil servant I was finance director of the health service and I worked with the hospital team. The politicians of the day recognised the need for better primary healthcare, and proper co-ordination and planning with our secondary healthcare services. The analogy, if you like, was that the hospital had to accept all referrals from G.P.s and faced lots of problems of late diagnosis and additional treatment costs and so on, and sadly damaged people's lives and prognosis, and all it could do was effectively act as a gatekeeper and control the flow, and hence that leads to the waiting list situation. The solution, of course, as is well-known, was to co-ordinate both the primary and the secondary healthcare system and their means of funding. The barrier to doing that at the time is that primary care through the G.P.s was funded through then the Social Security Committee and the fund, which in those days was built almost as a bastion of a ring-fenced self-contained structure to which there was no access for the rest of the Government, the States. Given that situation there was not the political agreement that this needed to happen, there was not the preparedness to deal with those issues, and of course given the fact that the preference is in our community, as the Deputy of St. John has said, for private sector G.P.s, which have given us a very good ratio of G.P.s to our population, much better than the U.K., facilitated rapid appointments and a pretty decent service. Unfortunately all at the cost of having to charge and the dreadful problem of leaving the vulnerable out in the cold. This is why when I joined the Council of Ministers 2 years ago I was absolutely excited, and still am, that we have Ministers on board and the Council of Ministers with a determination; the first time in decades under this Council of Ministers that we have got the Minister for Health and Social Services and the Minister for Social Security working in collaboration, where they plan to achieve the new model with a sustainable funding mechanism. Of course Members think, well, is it an argument that in the civil service we are resource-constrained and why can we not get this done in 5 minutes? I am sorry. Again, Members will know I have spent a lot of years as a public servant and I know that delivering this task is challenging and a substantial task and it is not a back-of-an-envelope job. It is not a proposal, a plan, that political rhetoric or bluster will help. I am just looking at the U.K. and can see it produces little. This is hard, detailed, diligent work, a lot of detail, a lot of negotiation, a lot of work, and it has to be done with the G.P.s. The model I suppose, if we want one, is look back at the 1940s when the U.K. introduced the N.H.S. (National Health Service) where there is no question that sort of work was done. I really take seriously that opting for what is a quick fix, as well-motivated as it is, and I absolutely share the objectives, would at least delay that work, might well disrupt it, complicate it even, and the Chief Minister has told us that and I believe him.

[11:30]

I believe my colleague Ministers too. The prize for me is too great to put that at risk. There are lots of ways in that work of getting the G.P. charges down. We can support premises cost, which are a very high proportion of G.P. costs. We can do that. We can look at support for nurses and paramedics and all those possibilities. We can do those things, and they are all, I think, hopefully in the mix of work that is being done to come up with that sustainable formula. I want to be clear, and this is my political position, I want the new arrangements, when they come forward as we are promised for 1st January next year, to support all vulnerable groups: children, elderly, chronically sick and many others. That is the paramount goal that I do not want anything to get in the way of. While I absolutely understand the motivation of proposers, for me, maybe my practical background indicates that I really have to come down and say I am going to support my colleague Ministers, because the prize here is too important for our community and too important for our Island.

2.1.2 The Deputy of St. Ouen:

I am pleased to follow Deputy Young and I thank him for his words and his support. I will not be too long. This is a similar debate to the last, but I will not speak for as long as I did because it is rooted in the same history. I would remind Members of the commitment in the Common Strategic Policy and in the Government Plan Deputy Southern's attempt to amend the Government Plan, to provide further support for low income households. Interestingly in that amendment he proposed a £10 co-payment so it was not free for the patient. We need to consider whether that is appropriate or not going forward. In the Government Plan Members went with the Government commitment. Deputy Southern then brought P.125, which we debated in February, and interestingly in that proposition Deputy Southern accepted that it would take time to put together a scheme, and he proposed that the scheme should begin on 1st January next year, thereby giving us from the date of the debate 10 months in which to put it in place. In fact, work had already started before that in line with the Government commitment and Deputy Southern was fully cognisant of the length of time it takes to organise these matters, to negotiate, to enter into contracts, to have the systems in place, to arrive at a solution that is sustainable. It was the case that in that P.125 debate Deputy Southern said it was up to me as Minister to identify which of the vulnerable groups are most in need, it is entirely within my remit to focus where he wants this help to go, those are his words. In this proposition we have before us now he is taking that away from me, essentially, and he is saying that he wants to direct this Assembly as to how it addresses the needs of vulnerable groups around the Island, and I do not think that is the right thing to do because under my directions of the Government Plan officers have commenced work on drawing up the scheme and we have been in consultation with G.P.s. Now, of course, that has been affected by COVID, both on the civil service and the G.P. side, so there is no doubt about it, that we have been delayed, but the work is now resuming at pace. We will come back to the Assembly but the present plan is that I will seek a debate on 20th October, which is the same date as I have advised my Scrutiny Panel that we will also seek a debate on the Jersey Care Model. Deputy Southern may say that is not quarter 3. No, it is not, it is 20 days out of quarter 3, but I hope he will understand that COVID has meant that we have not been able to lodge something now for debate in September. We will lodge something in early September for debate on 20th October. Before that I will need to come to the Council of Ministers with proposals and I will need to share them with Scrutiny. Deputy Southern is on my Scrutiny Panel. He will see those proposals. No doubt we will have a thorough, robust discussion in Scrutiny and I look forward to engagement with the Scrutiny Panel and their input. The important thing is we will still be on track to deliver a scheme from January next year if the States approve it on 20th October. Deputy Southern was asking about if we are on track. We are on track and I can reassure Members there is commitment on my part, on the part of all Ministers, you heard from Deputy Young just now, and indeed from the excellent public servants we have working on this to get this work done, because it is a Government commitment from the beginning. Deputy Southern has asked what sort of scheme we are coming up with. What costs are in it? I am afraid, Deputy, will you wait for the Scrutiny Panel briefing and then I will be able to reveal all to you? So much is under consideration at the moment. We are doing all the work that he wants us to do. We are considering all those ideas that he has put forward. Everything is under consideration and we are conducting good work on this. He says we should be able to put something in place so that it can commence from 10th August, because we have done so before with the G.P.s in March and April. That was health professionals coming together in an emergency. It was a response to tackle a pandemic; it was not a model to address vulnerabilities and it is, frankly, totally impractical to put together in 3 weeks a model that will be ready for implementation from 10th August. I am sorry about that, but that is just the practicalities of it. Deputy Young has recognised it as a former officer working in government, and it is not just something that government can throw together; it is a question of making sure that agreement is reached with G.P.s and that this is something that holds water because it will be a public service. Were we to be asked to put something together to begin on 10th August then I do fear that the P.125

work would be seriously prejudiced and I would not be able to bring that work to C.O.M. (Council of Ministers), to Scrutiny and then for debate on 20th October. That is not too far ahead. We have got a lot of work to do to fulfil our commitment under P.125 and if I was to be thrown off track by rapidly having to put something together in the next 3 weeks P.125 would not be ready for 20th October. As I said in the previous debate, Ministers do recognise the hardship that people ...

The Deputy Bailiff:

There is a point of clarification. Do you wish to deal with it now or at the end of your speech?

The Deputy of St. Ouen:

Yes, I will, Sir.

Deputy G.P. Southern:

I asked several questions in my speech and the Minister appears to have avoided them. One would be: has he identified his priorities? Another would be how is he identifying the financially vulnerable in particular and what sort of means test would that entail?

The Deputy of St. Ouen:

I would say to the Deputy I am in the course of identifying my priorities. I am not going to tell the Deputy now exactly what scheme is coming forward, because that is not finalised and P.125 requires me in consultation with the Council of Ministers to devise a scheme. I am yet to consult or carry on consulting with all other Ministers involved. I am sorry, but it is just not appropriate now to announce a scheme and how it is to be costed. Very detailed work is going on and will come forward in due time, as mandated by this Assembly, in P.125. I was saying that Ministers absolutely recognise the hardship that this pandemic has caused to people in our community.

The Deputy Bailiff:

Minister, are you prepared to give way again or wait until the end of your speech? There is a clarification sought by Deputy Ward. Will you give way or wait until the end of your speech?

The Deputy of St. Ouen:

I will wait until the end of my speech, if I may, Sir. Ministers will absolutely seek to protect Islanders at this time who need help, where there are genuine cases but we will strive always to ensure that people get proper medical care and barriers are not put in place by all the means that have been discussed in the previous debate. It is well-known that there are ways of seeking help through Social Security schemes, through Parish schemes, through other areas. We have discussed in the last debate various means of help available, including help specifically directed as a result of this pandemic. The needs of the financially vulnerable, the needs of income support households, remain a key concern and, I will assure Members, are being addressed as part of the Government Plan commitment and as a result of P.125. That is the approach the Assembly has adopted and I have asked them to be consistent in that approach and not require me to rush around for an *ad hoc*, unfounded initiative for a few months. For the reasons I have expressed, for the reasons we have discussed principally in the previous debate, I ask Members to reject this proposition as amended and I will take the point of clarification.

Deputy R.J. Ward:

Could the Minister clarify how many officers are working on this piece of work, so we can get some sort of context for the level of work that is going on there?

The Deputy of St. Ouen:

Very directly, I had a meeting on Monday morning with 4 officers who are closely involved with the work but at various tiers, including right up to my director general; they all have an involvement and are all working hard to deliver on the commitment.

Deputy R.J. Ward:

Sorry, is that 4?

The Deputy of St. Ouen:

Yes, it is, a meeting with 4.

Deputy R.J. Ward:

I am a bit obsessed with numbers, I do apologise.

The Deputy of St. Ouen:

It is not exclusively 4, and some of those 4 have other responsibilities also, but there are a number of people at all levels working to deliver this commitment.

2.1.3 Deputy R.J. Ward:

Just briefly, I want to make some key points that I think we need to consider as an Assembly and think about this as a separate proposition. Income support is for those whose income falls below what we as a society would see as a minimum acceptable, and many of those are working, and that is a product of the way that we have structured our society, that people rely on income support for the very basics. I think we need to make that very clear. Deputy Southern has consistently fought for those who have least say and the least financial power on this Island.

[11:45]

So in bringing these amendments and changes again and again I make a plea to the Assembly to not see it as some form of annoyance, but to see it as somebody who is being consistent and consistently working hard for the right reasons. I would make a plea to say open your minds as to why that happens again, because the problem has not been solved. We had a system in place as a matter of emergency. That system was better. It meant that there was better access for those on income support. The reality of this is we are about to allow a significant number of people in our society to effectively fall off a cliff of support, and they will find it more difficult to access a G.P. at a time when that may be even more necessary. I would like to say to the Minister: what are you going to do if there is a second wave of this virus? Will you rapidly step in place, and if you can do it then, then you can do it now. This is a missed opportunity to maintain support for the people who need it most. We have managed to do that for businesses and companies and other areas of our society, quite rightly, because it was recognised and done rapidly. I am sorry, but I am afraid we have to call out the majority of this Government on this. They are not putting the most vulnerable first. They vowed a few moments ago to put children first, and they are failing to address this income inequality with the sort of opposition to propositions again and again that would make the change that is necessary. I think it is a shame that the administration is winning over the elected Assembly repeatedly in this Assembly over these types of propositions. "We cannot get the work done, we cannot get the admin done, and so people will just have to put up with it, be happy with what they have got and stop questioning." I am afraid that is not the way a democracy works and that is not the way that this Assembly should be working. I am disappointed that we have to yet again have these assumptions made by the Government that any change that may not fit directly into the scheme that they have will be dismissed, fought against and the full power of the administrative support that they have will be put in place to produce speeches and reasons in order to negate these Back-Bench propositions. I think the Island is looking at this yet again with disappointment and I would suggest outrage at the lack of consideration. I ask Members to step up to the plate and vote for this as they should have in the last one and do not miss another opportunity.

2.1.4 Senator S.Y. Mézec:

After the disappointing result in the previous debate I admit that I had fears that in this debate we would face some of the same spurious arguments as we did last time around, and my 2 ministerial colleagues who have already spoken have unfortunately proven me right there. I thought their arguments were spurious in the previous debate and they are spurious this time around as well. For reasons that I think were articulated quite well in the previous debate, I think it was by the Constable of Trinity and I apologise if I missed attributing that to him, but his speech was good either way, the fact is that over the last few months as a Government we have proven what is possible when there is the will to achieve something. We have done very big and elaborate things in a short space of time without going through many of the procedures that we would have done previously. We have built a hospital wing out of thin air; we have determined to provide a voucher scheme for every person on the Island; we have employed G.P.s in a way that would have been unthinkable beforehand. We have done so many things that previously would have been considered outrageous or would have been done to death with consultation after consultation, review after review, and taken us 10 years to decide the most basic things, rather than just getting on with things and improving services. One of the things that was done in that time period was a decision taken to reduce the cost of primary healthcare for people in our society and with extra special dispensation for particular people, including young children. I would be very surprised if at some point behind the scenes, it certainly did not happen publicly, anybody said: "We cannot possibly have cheaper access to G.P.s as part of this temporary arrangement because that will get in the way of the long-term aspirations we have agreed to pursue from January next year." You could quite feasibly have determined to have a system of employing G.P.s and directing the resources you get from that in particular areas without touching the fee structure, if that had been what was chosen. Instead, a choice was made that a reduced fee was important to do throughout the course of this crisis, and that was achieved because there was a will to do so. Now, there has been a choice by some to lose that will. It is not an inevitability. It did not have to be this way. It is a choice that has been made that this is no longer something we wish to see for the remainder of this year and it is essentially a choice, a proactive choice that from August the most financially-vulnerable people in Jersey will have to pay double to see their doctor. We can frame this debate around the wording of this proposition, saying it is a proactive choice to reduce G.P. fees and that may not be something you want to do, so you can vote against it on that basis, but the reality is that to vote against it is a proactive choice to increase fees from where they are at this point to the financially most vulnerable, to put up barriers for them accessing healthcare that they may need, which we know has negative consequences on people's health outcomes, which has negative consequences in wider society as well. It is a choice, it is political will, to create something worse for 5 months. That is what it is, and if Ministers had a different perspective they could choose to do something different. They could choose to say: "For that 5-month period we will do something a bit different in the run-up to further decisions to be implemented from January." It baffles me, the idea that this somehow gets in the way of that wider work. Is that wider work not going to include improving provision for people who are financially vulnerable or for children? I would be surprised if it did not, and if it does not let me warn the Minister in advance that we are going to amend it to make sure that it does. I hope he gets it rights first time around and I hope that this proposition is adopted to save us some time ultimately in the long run and provide better access to primary healthcare for people from now, rather than deliberately choosing to make it worse. I did not get into politics to choose to make things worse for people, and that is what voting against this proposition proactively does. The key point in this proposition is the focus on income support households, so that household is the unit that the income support system works with, rather than individuals who happen to live in a house. It is the household itself, so that will include children in the household. It will include pensioners in the household. I would say to those who did not like the last proposition because it ultimately was not means-tested on the basis of a household and so theoretically you could have children from wealthy families getting free access to primary care, that really their family could

have afforded with no problems at all, if that bothered you, you do not have that consideration this time around because it is focused on the financially vulnerable irrespective of their age. It includes pensioners as well. When it comes to children, I think the argument is the same. This is a children's rights issue and we have committed to seeing out the aspirations of the U.N.C.R.C. in Jersey and eventually incorporating it into Jersey law as well. We have an inspection due to take place in January next year on whether we are meeting those aspirations and obligations, because that is what they are if you are a signatory to the U.N.C.R.C. The Children's Commissioner has tweeted since the result of the previous debate that: "The Children's Minister asked me to carry out a review of legislation. After a year's work human rights experts report that health services fail to meet the requirements of the U.N.C.R.C. This will be in my report to the United Nations" that she is submitting in November. So we know that is coming, and we have to accept the consequences of that if we are not prepared to make a movement on this and to do as we are obligated to do in that Convention, which is to strive to improve things and go in this direction. Although this proposition would still leave some children without the right in their own right to seek primary care, it would still be on the basis of their caregiver, at least there would be dispensation for those whose caregivers are financially vulnerable and that would be an improvement in their access to primary care and would demonstrate us striving to improve access to primary care for children. I think those children's rights arguments apply to this proposition as they did the last one, and if we are to remain true to that commitment on putting children first then we should at least vote for this, even if you may have been uneasy about a non-means-tested system previously. I make no apologies for repeating any of those points on children's rights. I am dismayed at the previous decision and I remain perhaps naïvely optimistic that that will not count this time around. There were 2 speakers in that previous debate who made a point that did not convince me to vote differently but that I accept is a legitimate point, and that is the Constable of St. Saviour and Senator Ferguson, who quite rightly often in this Assembly bang the drum for the rights of older people. I absolutely respect that. I think it is the right thing to do. It is right that as a society we pay special attention to older members of our community, many of whom face vulnerabilities that younger people do not, and who need that support so I absolutely agree with that. Before speaking I looked up to see if like there is a United Nations Convention on the Rights of the Child there is such a thing as a United Nations Convention on the rights of older persons, and it turns out there is not. Hopefully there is going to be. It is described as being likely to be the next major human rights' treaty adopted by the United Nations. I certainly would welcome that and would be very interested to see what it says, but I think it is probably a safe bet that there will be something in there about healthcare access for older people because of many of the health difficulties that only arise later in life that can make it difficult accessing health services, because you may have to access them more frequently than you did when you were younger. What this proposition presents us with is an opportunity to pre-empt what may end up being our obligations under a U.N. Convention on the rights of older persons and make sure that we can hit the ground running when it comes to that and provide better support to financially vulnerable older people in Jersey who will struggle with the cost of seeing a doctor and may well be put off from doing so. Let us be clear about this: if you are somebody with health vulnerabilities and you are putting off seeking healthcare when it would be of most benefit to you, you run the risk of decreasing your life expectancy and achieving worse health outcomes in the short term and eventually long term as well. This proposition helps avoid some of that by making it easier to access it. We will get better health outcomes for those financially vulnerable people, be they children who we are obligated to strive for an improved access to service now, or for older people who although we are not legally obliged to do that right now I would certainly hope that we would consider us to be morally obliged to do that.

[12:00]

I simply do not accept the idea that this will have a disruptive effect, that it pre-empts work that is already going on. It is clearly the right thing to do and at the very least to not make things worse for 5 months, because that is what is going to happen if this proposition is defeated. We have 5 months

of a worse situation. If this proposition was so objectionable to the Minister for Health and Social Services and others perhaps they could have amended it or come forward with some sort of interim position that maybe did not deliver free access but maybe preserved the status quo for a little bit longer, providing it cheaper than it was before, until we reach January next year. Instead that political will has been completely lost, the will that existed to build a hospital wing out of thin air, the will that existed to provide the greatest amount of support for employers that has ever been seen in Jersey, the will to create economic stimulus proposals on a scale and in a way that has never been conceived before. The creativity and the energy and enthusiasm to pursue those sorts of things appear to be non-existent when it comes to health. I simply cannot tolerate that, which is why I welcome the proposition from Deputy Southern, will be voting in favour of it, and I urge all other Members to do the same.

2.1.5 Deputy M. Tadier:

I can understand that Members may not feel the need to speak. They might think that the previous debate has effectively sealed the fate of this particular debate, but I think they are 2 different issues. The first thing I would like to say is that I can understand where 2 of the commentators previously were coming from; so Senator Ferguson and the Constable of St. Saviour, who both decided to vote against the last proposition. While I do not agree with their particular rationale on that I think this is an opportunity, and again it is targeted, and the problem we find when we are trying to make incremental change in Jersey to get to a point where we can be a civilised society in terms of our healthcare provision, is that we are told revolution does not work. I would like to get to a point where G.P.s are free. We have free schools. We do not say to people: “But what if somebody rich ends up going to a state-funded school?” That is their choice; we all pay taxes and we fund the common good. Even the poor pay taxes now, of course, with their 5 per cent G.S.T. on everything that they buy. That argument does not really wash, but when we are talking about pitting children against older people, which was the argument that was made by the 2 female representatives that I spoke about earlier, this is a way to target some of those pensioners who are really struggling. I had a pensioner on the phone from St. Brelade who was saying that she finds it very difficult to afford to go to the doctor. She has to go several times a year and even she was talking about some kind of means-tested scheme as at least a minimum and she is one of those people who do not go to the G.P. when she needs to, or when she does do it she has to forgo some of the basics in life. I think this is the very minimum that we could be supporting today, to provide for those and extend the programme that we have put in place for those on lower incomes during this really difficult period coming out of the pandemic. I would ask for that. I am also going to say something that is political. Why not? Let us give it a go. It might not seem immediately related, but we have got very low participation rates in our democracy. The P.P.C. (Privileges and Procedures Committee) showed this and anecdotally I think it is reasonable to say that the poor do not vote as much as those who feel that they have got a stake in society. Also, the poor have got lower life expectancy generally; that is not something that is unique to Jersey. Traditionally this Assembly does not make decisions that help the poor, and the poor do not engage in the democratic process because they see that this Assembly does not represent them. Because the Assembly does not represent them they do not vote, and because they do not vote the Assembly do not think it is important to represent their needs in legislation or in policy. It is a vicious circle, so I do not know if this speech is necessarily going to influence anyone to change their particular vote today, I hope it does. I hope we see that we are not just here to represent people who vote and the well-heeled or those who are comfortable. Even the comfortable nowadays during these strange times are very much feeling the pinch in some ways and the uncertainty. This is a step in the right direction of saying that we can at least cater for those who are most in need and who really struggle in our society, to give them more certainty through this difficult period. I will certainly be supporting this. I hope that one day we can get to a point where nobody in Jersey does not go to see their doctor because they feel that money is an issue or even a consideration and that they end up dying from an illness that is otherwise preventable because they cannot afford to do that. That is not

the kind of society I want to live in. It is not the kind of society I got into politics to try to create. I will be using my vote today to try to get to that point as a society that will tangibly effect that change.

The Deputy Bailiff:

If no other Member wishes to speak I call upon Deputy Southern to reply.

2.1.6 Deputy G.P. Southern:

Oh, joy. It is like living in the past. The first time people sat on their hands on a proposition of mine I think I was the only person to speak. I have now got a party alongside, so we had a meeting today, it is called "In the Chamber of the House" and we shared our opinions. I thank all those who spoke, including Deputy Young, who is always honest and straightforward and when he sees problems he always tells me about them. I still have to question the Minister for Health and Social Services' blithe assurance that he is on track and things will not be delayed and that somehow this would be a delay, P.81, because I cannot see how he would ... he has to come up with his priorities and his scheme anyway. If he can do that without addressing the issue of our poorest households and what sort of means test is he going to engage with in order to get the right package, getting the right people and not the wealthy, then I do not know what he is doing otherwise. This could not possibly get in the way because it forms part of the consideration he has committed to follow. Neither does it mean something has to be done in the next whatever it is, 3 weeks. It says clearly on the amendment that this process of engaging with G.P.s has to engage within the period of the cessation of the current agreement and the presentation in 2021 of the next agreement. That work has got to be done, whether P.81 supposedly is getting in the way or not. That negotiation with G.P.s, I am not saying it will be easy and I am certainly deeply unsatisfied that we have got nothing concrete whatsoever. I brought a proposition which is perfectly practicable, which could have been delivered and could have been delivered in fairly short order to maintain a level of help and assistance for those who require it over the next 5 months. The Minister for Health and Social Services has come forward with nothing, apart from a promise to deliver something in September or maybe October, along with the new Government Plan, whatever that is going to look like. As Members will know, amending a Government Plan is not the easiest thing in the world because if you take some from here you have to put it back there. We have all been there. It sounds like a generous offer but I do not believe it is but then I am a cynical old man. Right, what else can I say here? My thanks to Deputy Ward, who pointed out that as far as he is concerned this Government has failed entirely to address the issue of putting children first and income inequality and I remain, sadly, disappointed in that, especially in the Chief Minister. Senator Mézec, again, said that the objections to time and place and nothing of staff and getting in the way were spurious excuses and I believe they are; that is just an excuse for doing nothing. But he then did say and he pointed out, and this is important I think, why is this proposition different? How is it different from the previous one and why is it important? Because we are now talking about low income households, not just young people but low-income households. What we are talking about here, if you were to vote for this through P.81 you would be helping 2,000 pensioners obtain free G.P. visits. You would be helping 3,300 children, who are in low income households, obtain free access to their G.P. and around about 5,000 working-age adults who would also be enabled to stop worrying about the possibility of their G.P. bills. I think that is certainly a move in the right direction, to help 10,000 of the worst-off people in our Island, that is 10 per cent of our population or thereabouts, give or take a few, is something that I think we should be doing. We should not be waiting until 1st January to do it, we could and should be doing it now. That is what I would point out, so for those 2 Members who pointed out that this did not involve pensioners in the last proposition but only children, that is not the case in this case. If you want to help the poorest pensioners, vote for P.81. I maintain the proposition and call for the *appel*.

The Deputy Bailiff:

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

The Connétable of St. Saviour:

Once again, Sir, I have had to go into the chat room, St. Saviour here. Thank you.

The Deputy Bailiff:

Thank you. Have all Members had the opportunity of voting? If so, I invite the Greffier to close the voting.

POUR: 13		CONTRE: 32		ABSTAIN: 0
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Helier		Senator L.J. Farnham		
Connétable of St. Mary		Senator S.C. Ferguson		
Deputy G.P. Southern (H)		Senator J.A.N. Le Fondré		
Deputy M. Tadier (B)		Senator T.A. Vallois		
Deputy M.R. Higgins (H)		Senator K.L. Moore		
Deputy L.M.C. Doublet (S)		Senator S.W. Pallett		
Deputy G.J. Truscott (B)		Connétable of St. Saviour		
Deputy of St. John		Connétable of St. Brelade		
Deputy J.H. Perchard (S)		Connétable of Grouville		
Deputy R.J. Ward (H)		Connétable of St. Peter		
Deputy C.S. Alves (H)		Connétable of St. Ouen		
Deputy K.G. Pamplin (S)		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 R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		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 I. Gardiner (H)		

[12:15]

3. Investigation into the establishment of a digital register of landlords and tenants (P.82/2020) - as amendment (P.82/2020 Amd.)

The Deputy Bailiff:

The next item is Investigation into the establishment of a digital register of landlords and tenants, P.82, lodged by the Deputy of St. Peter. Deputy you have lodged an amendment, do you wish the proposition to be read as amended?

Deputy R.E. Huelin of St. Peter:

Yes, please, Sir.

The Deputy Bailiff:

I invite the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – (a) to request the Council of Ministers to investigate the provisions and administration of the Control of Housing and Work (Jersey) Law 2012 (in particular Articles 9 and 16), the Lodging Houses (Registration) (Jersey) Law 1962 and any other legislation or data source deemed relevant in order to determine the feasibility of using this legislation and these data sources to establish a digital register of landlords and tenants, with the register to cover landlords and tenants of accommodation in the following categories – Qualified accommodation; Registered accommodation; Lodging houses; Lodgings in private dwellings; and (b) to report back to the States Assembly by 1st September 2020 with the findings of this investigation, identifying (where appropriate) prospective changes that could be made to the legislation and that would increase the feasibility of using the Laws for the purpose of establishing such a register

The Deputy Bailiff:

Before I invite you to make your proposition, Deputy, the question arises of whether or not Members should declare a financial interest in this proposition. It has been raised expressly on the chat, in any event, by the Connétable of St. Helier. It seems to me from the nature of this proposition, namely to request the investigation in relation to the creation of a register of landlords of tenants, that nobody's financial interest is directly engaged or affected. Having said that, I know that Deputy Ward has raised a question on that, which I will come to in a moment. Having said that, as Members are used to declaring whether or not they are landlords and tenants in relation to propositions involving landlords or tenants, if they wish to declare an interest and identify the interest in the chat then I will certainly read that out, so that the public know what any potential interest is on the part of a Member in relation to this debate. Deputy Ward, do you have a question?

Deputy R.J. Ward:

Yes, and I was just about to try and find the comment but I cannot. But there is somewhere in the comments, I believe, that suggests that this may be some form of replacement for the landlord registry, which would mean that there would be a reduction in cost. Therefore, is there not a need for landlords, particularly those with a large portfolio, who may in the long-term benefit significantly by not having to pay the costs for these different numbers of properties that they let? If that is the case, that is a direct interest and it is different for everybody and so not just a wide interest; that is my question, Sir.

The Deputy Bailiff:

Let me consult with the Greffier for a moment. No, Deputy Ward, I remain of the view that this proposition, which is simply asking the issuing and the establishment of a register is too remote from any other matter to give rise to a direct financial interest in respect of any Member and that is the ruling that I make.

Deputy R.J. Ward:

Sorry, I have found the point in the comments, it says: “Finally, this addresses and gives an ideal solution to the well-documented aims of the Ministers for the Environment, and Children and Housing to know where all rental properties are.” Therefore, it does seem to suggest that this is instead of the plans of the Minister and, therefore, there would be a financial advantage gained.

The Deputy Bailiff:

I am grateful for the point but this is merely an investigation. It may be that different principles might apply if the States had in front of them a proposal to effect such a register in due course and that was in substitution for something which they had agreed in another proposition. But at this point I remain of the view that there is insufficient engagement in respect of any particular Member’s financial interest for them to be required to declare an interest. In the event, it would be in accordance with previous rulings and indirect financial interest shared by many Members which would not prevent them from participating in the debate. I am now going to ...

Deputy M. Tadier:

But can I ask a point of order? It is not to disagree with your ruling but if we were in a normal States sitting it would be incumbent on Members to decide whether or not they wanted to declare an interest in accordance with the oath of office, also the code of conduct, which asks us to identify conflicts of interest ourselves and to resolve those interests within the public interest. Could I ask if any Members wish to declare an interest for their own conscience that they might be allowed to do so?

The Deputy Bailiff:

Absolutely. I said at the outset that in view of the previous practice in similar debates of Members declaring their interest as landlords or tenants respectively, they may wish to do so in the chat; that many Members have done. I am about to, in accordance with my suggestion, read out the names of those Members and the nature of those interests that they have declared.

Deputy G.P. Southern:

Sir, is this a permissive statement? Is it could register their interest or should?

The Deputy Bailiff:

The proposition has just been read, it is to request the Council of Ministers to investigate the provisions of various laws to determine the feasibility of using legislation to establish a register of landlords and tenants.

Deputy G.P. Southern:

Your ruling on this for could or should? Certainly I am confused, Sir.

The Deputy Bailiff:

I am not giving a ruling on the meaning of the proposition, I am giving a ruling on whether or not Members are required to declare a financial interest under Standing Order 106. My ruling is that there is no need for them to do so but Members may wish to do so as in relation to similar matters they have done so in the past and that is my ruling. In relation to Members who have declared an interest, the Chief Minister has declared an interest, I presume as a landlord. The Deputy of St. Martin has declared an interest as a landlord. Deputy Young has declared an interest as a landlord. The Connétable of St. Helier has said that his wife is the co-owner of a one-bedroom flat. Senator Gorst has declared an interest as a landlord and a tenant. Deputy Truscott has declared an interest as a commercial property owner. The Deputy of St. Ouen has declared an interest as a landlord. Senator Moore has declared an interest as a landlord. Deputy Gardiner has declared that her husband is a landlord. The Deputy of St. Peter has declared that he is a landlord and a committee member of the J.L.A. (Jersey Landlords’ Association). Deputy Morel has declared that he is a landlord. Deputy Guida has declared an interest as a landlord. The Connétable of Grouville has declared an interest,

which I assume to be as a landlord. Deputy Tadier has declared that he is a tenant in private accommodation and that his partner has a property, which she currently lets and that he is curator for his mother, who also rents out a house to pay for her care. The Deputy of St. Mary declares an interest as a landlord, as reflected on the Members' registers of interest. The Connétable of St. Mary has declared that he is a landlord and a very good and a fair one. Deputy Pinel declares an interest, I assume as a landlord. The Deputy of Grouville declares that she is a user-factory owner. The Connétable of St. Ouen declares an interest as a landlord. The Deputy of Trinity declares an interest, I assume as a landlord. Deputy Tadier has made a second declaration, which I do not think adds anything to his first, unless he thinks I am wrong about that. Senator Mézec declares an interest as a tenant, as does Deputy Pamplin. I will see if there is anything else. I am not quite sure, Deputy Higgins may ask a question.

Deputy M.R. Higgins of St. Helier:

Yes, Sir.

The Deputy Bailiff:

Do you have a question Deputy Higgins or ...

Deputy M.R. Higgins:

Yes, Sir. I am just wondering whether the declaration of interest should give an indication of the degree to which they are a landlord. It is a great deal different if you have a half-interest in your husband's property and another Member having a dozen properties that he is renting out.

The Deputy Bailiff:

I would say in relation to those details, they will be declared on the register of interest ...

Deputy M.R. Higgins:

I am sorry to interrupt you, I am not convinced they are. They just say I have investment holdings or I have some property holdings. It does not go into the degree.

The Deputy Bailiff:

Deputy Higgins, in view of the ruling that I have made in relation to the fact that there is no necessity in the context for this debate to declare any interest, I do not need to rule on the suggestion that you have made that a fuller declaration ought to be made.

3.1 The Deputy of St. Peter:

This proposition is ultimately about data, about technology. Since I worked for Oracle in the 1990s, at the time the leading database company in the world, the use or manipulation of data has exploded beyond all expectation and it will continue to do so. I spent over 30 years in tech watching at close quarters the major benefits it can bring. We are a technically astute Island, therefore, this proposition is aimed at exploring all options to consolidate data sources, increase efficiency and provide better value for Islanders. Specifically, it is about ensuring that we have accurate records of every landlord and tenant in Jersey, hence the terminology digital register or database. While I accept my initial proposition made much of my preference for soft touch register, may I ask you all to defer that to the later debate scheduled for 8th September and concentrate today on the digitising of a register, as emphasised in my amendment and the huge benefits it will bring to the Island? May I also please stress that the reason I have asked for such a short timescale for this investigation to be completed, being 1st September, is to ensure we are getting the correct platform for the basis of a single sustainable database and not to unreasonably delay the debate on P.109, scheduled for our return from the summer recess? However, it is clear now that whichever side of the argument we take, both arguments require the same thing for their success; that is accurate data. Therefore, I ask Members to focus on the merits of that within my proposition. How did we get to where we are today?

Landlord and tenant data has been collected and submitted by law since the Dwelling House (Rent Control) (Jersey) Law 1946, which stipulates: “A register or rents should be prepared and kept up to date.”

[12:30]

The 1949 Housing (Jersey) Law required: “The submission of a yellow form stating how the property is occupied and by whom.” Ironically, a lodger was a specific category and I will refer to that later. In 1962 the Lodging House Law includes: “The requirement to keep a detailed register of all tenants that occupied every lodging house.” The 2012 Control of Housing Law, specifically in Articles 9 and 16, states: “Landlords must notify the Chief Minister upon every change of tenancy.” The 2011 Residential Tenancy Law, which governs all properties that are let as self-contained units, does not specifically require a register but it is, as far as my amateur brain can deduce, linked to the control of work and housing. We also have the Residential Tenancy Deposit Scheme 2014, which in Article 24: “Allows the scheme to be interrogated to clarify all aspects of the deposits held, when and for whom.” My greatest concern is none of this data appears to be collected consistently, I am reliably informed it is sketchy at best. I would challenge Members to hunt through gov.je and try and submit data against any of the above laws, maybe you are better than me but I have to report I have failed. The thought of adding additional standalone legislation to collect separate data sources and thereby adding to the confusion is an anathema, it is taking a backward step in the government goal to streamline processes and create efficiencies. When the Minister for the Environment publicly declares and I quote: “At present there is no way of gathering data on the number of rental properties that exist, where they are located and the number of people that reside in the property.” That, I believe, is incorrect. As demonstrated, we have been collecting too much in a disparate unstructured way. This proposition aims to address this issue by creating one single source of meaningful data against which informed decisions based on accurate information can be taken. This is known as a single source of truth. What is missing and has always been missing is lodgers in private homes. In fact it is stated as excluded in both the Lodging House Law and the Residential Tenancy Law, beyond that information exclusion is deeply disturbing. Anecdotal evidence tells me it is a sector of our housing where the lowest income, non-qualified workers are forced to accept places to live with no requirements for any leases or licences or minimum standards. The last known number of people living in such accommodation was from the 2011 census, which amounted to 1,070 people. I believe this is significant and, therefore, this category is included in my proposition. As you are all fully aware, we are establishing a more efficient government. The essence is the breaking down of silos into a more unified and integrated government, part of which is to deliver what is to be known as the golden record of the citizen. The ambition is to hold G.D.P.R. (General Data Protection Regulation) legislation permitting, consolidated information on our entire population. This has the benefit of greater data sharing across government. Shockingly, we have over 10,000 G.D.P.R. databases in the Government of Jersey; that is one database for every 10 people on Jersey. Ask any administrator, analyst or statistician, their view on having a single source of truth and they will unanimously want it. Again, I ask you to consider the benefits of consolidating our dwelling legislation and creating one single digital data source. Why am I bringing this proposition? Primarily, to ensure we have a single source of truth on every landlord and tenant in Jersey in every category, to make this the foundation for additional and relevant information, such as all properties in Jersey, to progress towards an accurate source of data to help with informed decision-making, such as exactly how many flats we need to build to make up our housing shortfall and help with the decision-making on our ongoing population challenges and there are many other examples, to draw attention to the technology opportunities we, as an Assembly, should be trying to embrace and promote. I believe if this proposition is adopted the outcome will be a win-win for everyone. To finish, I will quote Jim Barksdale, the former C.E.O. (chief executive officer) of Netscape: “If we have data let us look at data; if all we have are opinions, let us go with mine.” With that I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Senator Mézec, you have a question for the Attorney General.

Senator S.Y. Mézec:

The question is the proposition refers to several pieces of legislation, my question to him is: can the data which is obtained through these pieces of legislation be used for a purpose which is not outlined in that legislation itself?

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

The Senator's question is, I think, answered in some provisions of the new Data Protection Law; that is the 2018 law. Essentially, I think the relevant provisions are Articles 11, 12 and particularly 13. Essentially, summarising those provisions, there is a need for consent in relation to the processing of data or the processing of a data subject's personal data. That consent means that it needs to be freely given, it needs to be specific, informed and unambiguous indication of the data subject's wishes, by which he or she by a clear statement or by a clear affirmative action signifies agreement to the processing of that data. Then Article 11 goes on to specifically provide: "The consent is not informed unless the data subject is aware of the identity of the controller who will process the data." Also, secondly, which is important, I think, in the context of this proposition, the data subject needs to be aware of: "The purposes of the processing for which the personal data are intended." The data subject has to be aware of the specific purpose of the processing of the data. Then Article 12 goes on to provide a comprehensive list of, essentially, matters that need to be put, I think in shorthand or the law does not use this specific term but in shorthand it sets out information that needs to be included in a privacy statement by the data controller. Then, thirdly, and I think this is important in the context of Government and it should specifically answer the Senator's question, Article 13 sets out the requirements in relation to the purposes of processing. It provides that where personal data is processed for a purpose other than that which it was collected, without the consent of the data subject and such processing is not authorised by the relevant law and in those circumstances the controller must assess whether the processing is compatible with the purposes for which the personal data were collected. Then it sets out a list of factors that the processor must take into account in assessing whether the processing is compatible with the purposes for which the data was collected. I think the key point, summarising all of that, is that the purpose for which the data was collected under the relevant law, such as the Control of Housing and Work Law or the Lodging Law. The data subject needs to be aware of and agree to if the processing is not compatible with those original purposes of those laws, the data subject will need to consent to the new form of processing. In this case the question needs to be asked, in providing data in relation to the Control of Housing and Work Law, which, in my view, is essentially about control of population, control of housing in relation to population and also control of work in relation to population, is the processing of this new form of data, which is in relation to a register of rented property, is that consistent with the original purposes of those laws? It is not my decision because I am not the data processor but if I were asked to advise the data processor I would say that this is for a different purpose because this is not about population control, this is about collecting data for the purposes of establishing a register of landlords, so in my view that is a different purpose. The data controller, in this case the Government, would need to go back and get consent, express consent from the persons whose personal data is to be processed, namely landlords and I think tenants. They would need to go back and get their express consent to this new form of processing of the data, which, in my view, is for a different purpose than the purposes for which the data was originally collected under, for example, the Control of Housing and Work Law.

The Deputy Bailiff:

Thank you. Senator Mézec, you have a further question.

Senator S.Y. Mézec:

Yes, thank you, Sir, and I thank the Attorney General for his extremely helpful answer there. Could I ask on this issue of consent: is there any mechanism that currently exists to require landlords or tenants to give their consent if this were to be pursued? Yes, is there any mechanism to require them to give their consent? I think the Attorney General might be able to guess what I am getting at there.

The Attorney General:

I am not aware of the factual position but certainly in terms of those laws, such as the Control of Housing and Work Law, no, I am not aware of anything in the Control of Housing and Work Law or the Lodging Law which requires consent to be given. I refer back the Deputy to my earlier answer in relation to what is consent, which is expressly set out in Article 11 of the Data Protection Law. The paragraph that I read out was: "Consent, it has to be informed and consent is not informed unless the data subject is aware of the identity of the controller who will process the data and the purposes of the processing for which the personal data are intended." The purpose must be clearly set out. In this case the purpose, which I understand the Deputy is proposing, is setting up a register of landlords and possibly tenants. That seems to me to be a different purpose to the original purpose the data was collected under the relevant other laws, such as the Control of Housing and Work Law.

The Deputy Bailiff:

Deputy Young, your clarification, is it for the Attorney General or for someone else?

Deputy J.H. Young:

Yes, please, for the Attorney General. I thank the Attorney General for a very comprehensive answer. Could I just check, if I may, my understanding of it? The requirement to which the Attorney General referred at getting consent, would I be right, is that requirement to obtain the consent of every individual person individually that would be on such a register? Also, what would happen if the register was of landlords and tenants and one agreed and the other did not? Can that be done separately or am I right that every single person would have to individually go through the processes of giving their informed consent, as you described?

The Attorney General:

Yes, in my view, each individual person would need to give their informed consent. If a landlord agreed to the processing of the landlord's data in relation to this new purpose but a tenant did not agree, then obviously the landlord's data could be processed in this way in terms of establishing a register of landlords.

[12:45]

But the tenant's details could not be processed if the tenant did not agree to this new form of processing.

The Deputy Bailiff:

Senator Gorst, you have a question for the Attorney General.

Senator I.J. Gorst:

Of course the position that the Attorney General has helpfully outlined to Members is the position for all government data, that if government wishes then to use data for a different purpose from that which it was initially intended it has to put in place a consent process and how it does that is open to the government, it could be through some legislative amendment. Would the Attorney General confirm that that is no different from any other situation where government wishes to use data in a different way from its original intention?

The Attorney General:

The answer to the Senator's question is yes. Another way of the government getting that form of consent would be for the Government to set up obviously new legislation for a particular purpose. For example, if the Government were to set up new legislation for control of the quality of tenancies, that would provide a new legal gateway for the processing of the data.

Senator I.J. Gorst:

Thank you, that is as I thought it was. The Jersey Government has done such a thing previously for other matters as well. Thank you.

The Deputy Bailiff:

Senator Ferguson, there is a question for the Attorney.

Senator S.C. Ferguson:

Just a simple one. If you have got a landlord who is happy to put his name in and a tenant who does not want to, can you not just give the landlord's details and say plus X tenants, where X is the number of tenants who do not want to be named?

The Attorney General:

In those circumstances I am not really sure what data there is because X tenant is no one's personal data. I am not sure that that is really covered by the existing legislation. I fail to see what data is being processed there.

Senator S.C. Ferguson:

You would have a landlord that if he had 16 tenants in his attic or wherever, you would at least know that there were quite a lot of people in a particular building or paying money to a particular landlord. You would not know who they were.

The Attorney General:

The question arises though whether they are identifiable via the address details of the property. If there was, say, one person rather than 16 living in the attic, then that person might be identifiable indirectly through the address or possibly even the name of the landlord. The question arises, is the identity of that person being indirectly disclosed and would that amount to an unlawful processing of data in those circumstances?

The Deputy Bailiff:

Deputy Young, further clarification.

Deputy J.H. Young:

Yes, please, Sir, further clarification of the Attorney's advice to Senator Gorst. I think what that has suggested is that there are alternative processes open to Government to be able to achieve that consent, which might be some introduction of a new law. But could I ask, in that case does the consent still have to be informed and all the criteria that you explained in considerable detail, which were the characteristics of what is an informed consent, would that be overridden in such approach or does that requirement still apply?

The Attorney General:

Sorry, could the Deputy just repeat the last part of his question?

Deputy J.H. Young:

Yes, I do beg your pardon. Really I was following up your reply to an alternative process that was open to Government to secure agreement. For example, if another law was introduced for another purpose, would that way, that alternative process still require informed consent and would that,

therefore, need all the criteria that you explained of what is an informed consent that are set out in the laws that you read there? Would that be still required or does this alternative route completely override that in some sort of blanket way, if you like?

The Attorney General:

I think I would need a little bit more time to consider my answer to that question. My preliminary thought is that if a new law is set up to, for example, regulate tenancies, that provides the express legal basis for both the obtaining of the data and also specifically the purposes for which the data is obtained because it is clearly set out in those circumstances what the data is being sought for, so for the new purpose of regulating tenancies. My preliminary view is that the new law would set out that legal gateway and it would not be necessary for the express consent to be obtained in the way that the Deputy suggests. But I would just like a little bit more time to reflect on that point and I can come back to the Deputy separately.

The Deputy Bailiff:

What I would suggest now, if Members agree, is that any further questions for clarification are put to the Attorney and he responds to those at 2.15 p.m. The Connétable of St. Brelade, do you wish to ask your question of the Attorney and he can respond at 2.15 p.m.?

Connétable M.K. Jackson of St. Brelade:

Yes. It is probably a development of Senator Ferguson's question. My question is: does property information, such as number of rooms, *et cetera*, constitute personal information in the detailed section?

The Deputy Bailiff:

Deputy Young, the clarification you are seeking.

Deputy J.H. Young:

Yes, just a further clarification on the preliminary answer the Attorney gave on the supplementary about the alternative route and new laws, the consent that would be achieved by bringing in a new law, can that be retrospective? Could the Attorney reflect on that and include it in his answer? In other words, if people have already registered under one law, can we suddenly pass a new law and does that validate our using all the data that had been provided for a different purpose that we already have?

Senator I.J. Gorst:

Really it does follow on from the question that Deputy Young has just asked for clarification on because of course it has to be retrospective. It is not really a question because you have gathered information for one purpose in the past and now you are using it for a different purpose going forward into the future. But I wonder, as the Attorney General is deliberating during his lunch break, he might think of the Register of Names and Addresses Law where there is an ability to bring forward regs which will allow information to be shared for a different purpose from that that it was initially gathered for in a data protection compliant way. Because I think that the answer that the Attorney General gave earlier to the clarification is correct but there could be a piece of legislation brought forward which would allow information to be used, which would not require individual consent but, hopefully, that might help his deliberation.

The Deputy Bailiff:

Thank you. Deputy Ward, I think you have something to ask of the Attorney in relation to personal data.

Deputy R.J. Ward:

Yes, sorry, I may be completely off the mark here, so please feel free just to say, yes, you are. Does it mean that the data has to be unidentifiable, if that is a word, to a person or have I got this wrong, i.e. if the data is giving consent to be on a register has done so, so that the individual cannot be identified, then that makes it G.D.P.R. compliant?

The Deputy Bailiff:

Thank you. Obviously Members can ask additional questions in due course later on today but ...

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Yes, the adjournment is proposed. Does any Member wish to speak on the proposal to adjourn? [Seconded] The States stand adjourned until 2.15 p.m.

[12:55]

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

Attorney General, you were going to provide the Members with some further advice.

The Attorney General:

To Deputy Young's 2 questions, in relation to his first question about whether a new law would provide the legal gateway for the Government to attain data concerning landlords and tenants, yes, it would and I confirm my preliminary advice that I gave to him and Members before the adjournment. To expand slightly on that, in terms of the legal reason, it is spelled out in Article 9, schedule 2 of the Data Protection Law. Essentially Article 9 provides that for processing to be lawful then it needs to comply with one of the conditions that is set out in schedule 2 to the Data Protection Law 2018, and one of those conditions is public functions. The processing can be necessary for the purposes of the exercise of any functions conferred on any person by or under any enactment, which obviously would include a new law for the purposes of regulating the quality of tenancies, and the second reason is the exercise of any function of the Crown, the States or any public authority. The new law would set up a public function concerning the regulation of premises that are tenanted and the quality of those premises, so that would provide the public function and therefore the legal gateway for the processing of this personal data. The second question that Deputy Young asked was whether a new law could be retrospective as regards the collection and processing of data. It is not usual for laws to be retrospective in their application but potentially in this respect it could be. Any currently held data may have been collected and held lawfully but under a different legal basis. That would not necessarily mean that the data could be transferred on to the register without appropriate provision. A new law could do that. The alternative way that this might be addressed is through the means that Senator Gorst helpfully reminded me of in his question, which was in relation to whether or not the Register of Names and Addresses Law could be used as regards historic data. The Register of Names and Addresses (Jersey) Law 2012 collects what the law defines as registerable facts about the public. It defines those registerable facts in the following way. It is limited at the moment to the individual's name and residential address, their date and place of birth, if the individual was not born in Jersey the individual's date of arrival in Jersey, the individual's gender and the individual's social security number. It goes on to provide that the States by regulations can specify the individuals, whether by category, class or description, in respect of whom an entry can be made on the register of names and addresses. At the moment the purposes or the regulations that the States has currently passed in relation to the register of names is quite limited. There are 3 sets of regulations for specific purposes. One of them is in relation to the Control of Housing and Work (Jersey) Law and those regulations provide that anyone who has a registration card under Article 3 of the Control of Housing and Work

(Jersey) Law must be included on the register. So they are quite limited currently in scope but potentially they could be expanded and that might be something that could be looked at in this context of landlords and tenants and any new law for the purposes of regulating the quality of tenanted properties. The fourth question that I was asked was by Constable Jackson and he asked whether the data collected could include the number of rooms in a property and would that be personal data. My view of that is no, just collecting data on rooms would not be personal data if it were limited to that but if data was collected on numbers of rooms in a property, that if other information was also collected such as the address of the property, the name of the owner, the names of the tenants, then that could identify the person, so then it would become personal data, because that person could be identifiable through the data. The last question I was asked was by Deputy Ward and he asked whether the data that was collected should be unidentifiable, so that a person could not be identified through the collection of the data. My answer to that is that it would be very difficult to collect data in an unidentifiable form, because obviously a person has to return the data, so clearly the collection of the data cannot be in a way that is unidentifiable. As regards the processing and use of the data then there are various principles as regards the processing of data and one of those is the data minimisation principle, so that the processing of the data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. That is a relevant consideration in the context of potentially setting up a database of landlords and tenants. In terms of a register of landlords and tenants then there are various options and those are matters of policy for the Assembly. A register could be a confidential register. It does not have to be published. Alternatively, parts of it could be published and other parts remain private, for example such as in relation to details of beneficial ownership of companies and other legal entities, as currently exists with the Companies Registry. There is this data minimisation principle, so in terms of the use of the data and as regards whether it is published, then the principle is do you really need to publish this data, and it would only be if there was a valid public reason for publishing the data that it should be published, otherwise it needs to be processed in accordance with that data minimisation principle and confining it really to just what is necessary for the purpose of the processing of the data. That was in answer to Deputy Ward's question.

3.1.1 Senator S.C. Ferguson:

Many businesses, particularly small ones, are complaining that they keep being required to supply information that is already available in the States databases, which means that we have however many lots of paper, we have time wasted on both sides. A small business does not have time to keep supplying information and pieces of paper or spending time on the computer completing a form. This proposition effectively requires the States to arrange for information to be available within the States particularly across the States. There are problems under G.D.P.R. and I can see where the problems are, but there are measures that can be taken to ensure that information can be used as a central data space and we could have a law to set out how we can do it without conflicting with the G.D.P.R. requirements. We have got very able lawyers, as demonstrated by the Attorney General's explanations, so if we can do it so it is for the best public good without trampling on G.D.P.R. toes. There is no possible benefit for repetitive submissions of information from one business, rather than a department being able to access from a different department. It is more economic and, more importantly, more efficient. It also encourages a horizontal working together by departments, which is the best method of discouraging silo working. You have got to get people used to talking across to each other, rather than talking vertically to get permission to go across and talk horizontally. Another benefit is the reduction of another layer of legislation as well as not imposing more charges for supplying yet more information totally unnecessarily and prevent increased costs of Government, which is excessive in terms of costs to landlords, Government, and all-in-all uneconomic and inefficient. I second this proposition with a view to more economy and more efficiency.

3.1.2 Deputy S.M. Wickenden:

I am very happy to follow the previous speaker. The Senator is right in how we have got 10,000 databases that have been built up across multiple departments because of the way that we used to work in the old days. I was lucky enough a couple of years ago to go to visit Estonia, who are the epitome of digital government and efficiency in the way that they use it. One of the first laws that they passed when they were bringing in their legislation was that it is illegal for the Government to request information they already held. That was a way of making sure that Government was as efficient as possible and they were not wasting time. As far as this proposition goes it is just very forward-thinking of the Deputy about how we can use data we hold in a way to reduce bureaucracy and increase our knowledge. I have to say that there is some detail that needs to be worked out on some level of it, but this is absolutely the direction we should be going, and I ask Members to support it.

[14:30]

3.1.3 The Connétable of St. Brelade:

I thank the Deputy of St. Peter for bringing this proposition and I am grateful to the Minister for the Environment, who has already done much of the work requested by the Deputy in his comments to the proposition. The Minister, however, has unfortunately fallen just a little short of investigating in depth whether this plethora of existing legislation could be used in any way to satisfy the need for an all-Island rented property register without creating another. I am also grateful to the Attorney General in his answer today for confirming the point that indeed we have a very convoluted set of databases. I ask the question: why can we not use what we have? Why can we not alter laws to fit the need of today rather than just pile up our statute book with more law? I do believe that the adoption of this proposition can only serve to add to P.106 when we get to it, as in its present form it is far from ideal. In conclusion, and in an attempt to be brief in this long sitting, I urge Members to support this well-considered proposition, which can serve only to contribute to sensible and practical legislation in support of both tenants and landlords alike.

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

I wanted really to reiterate exactly as the Connétable of St. Brelade has just said, that this proposition is one that helps the Government make the most of their resources and the existing data resources that the Government already have and, if adopted, would help create a more efficient solution to P.106. I do not think, and I think it would be entirely disingenuous of anyone to suggest, that this is in some way undermining P.106. It is not. It is about finding the most efficient solution about using best use of States resources and therefore ensuring that the minimum costs and minimum manpower expenditure is incurred in the development of P.106. Like the Connétable of St. Brelade, I do urge Members to support this proposition. It is not an antagonistic proposition; it is not against anything. It is about trying to ensure that the States of Jersey, as it should be, uses digital resources to the best of its ability in order to find the most efficient and elegant solutions to the challenges it faces. Please do support this.

3.1.5 Deputy J.H. Young:

I think in some ways I go very much with the Deputy's proposition about the principle of data integration. There is absolutely no doubt about that, that data integration across organisations will deliver efficiencies and cost savings. Unfortunately there is one snag. History shows that such projects become very large indeed in large organisations, become very difficult to manage, have very expensive timescales and megabucks of costs. I think if you reflect on the issues, the discussion we had with the Attorney General, there are problems to be overcome in getting to the point where one can feel that you have got a usable database that fulfils not only the purpose that I as Minister for the Environment is trying to do, which is to have an arrangement in place to enable us to be confident that our private rented dwellings meet minimum standards and we need to do that because there is a history of a very large number of instances where dwellings have failed to do that and bad situations

have occurred with people's health. That is something that is enormously damaging to Jersey's reputation and it is something that the States agreed to put right in December 2017. Of course we had the law in place and to get to that objective it requires a way of enforcing the minimum housing standards. It is an essential tool, and of course that is the debate that we are due to have next September, so this proposition, as the Deputy says, is not absolutely relevant to it. Nonetheless I make the point that why we want to have this register is to achieve minimum standards. What I am struggling with is we have already progressed through the stages, we have got a law, we have got all the machinery in place, and we are at the point where we could very effectively implement that very shortly. So what I think the points on the proposition that the Deputy has made he has very eloquently made for quite a long time, made when he was chairing a meeting of landlords and I met them, and he asked for a number of things, which I will not cover in detail, but I have already accepted and taken on board and in the revised arrangements adjusted that. This principle of whether we need a separate register or whether we can use a complete mega project in the States to achieve the equivalent, in theory I am sure it can be done but from my point of view if we are at the point where we could achieve that, we are using the existing means that we have got in place within a matter of months for very little or at no cost, for me that is going to be favourite. That is why we speeded up the work. I asked for that work and so did the Environment, Housing and Infrastructure Scrutiny Panel and I think you got in the very detailed comments, and I do not wish to go through them, but we made a number of points about a whole series of different laws. For example it spoke about the Rates Law and here we have got what I consider quite a bit of a hotspot situation. You have got a requirement annually for people to declare that they own property and if it is tenanted they have to say so, and then there is an annual return and then the Parish publishes a rates list. It is all in printed forms. Where does one go to access it? Is it an integrated database across the whole States? Absolutely no, it is not. Does it deal with nominee owners and so on? I do not know, but it is not entirely straightforward. There is an example of just one law. I think the Deputy has included the lodging house scheme. In my view that should be repealed, so I am absolutely with him on that, because that is a residue law that does not become administered by myself as Minister. The legal powers are with the Minister for Children and Housing. I think the points that the Deputy makes about that are probably sensible, but that is probably something that needs change and modification, which is outside my responsibility. We have listed those in the detailed comments. There are a number of key points, so some of the legislation that is being referred to is already quite onerous. I worry about going down a route potentially, and we have highlighted it in the comments, that this is more bureaucratic. It would increase the amount of bureaucracy required. The big issue is how we would know about premises and how you would bolt on a situation of actively enforcing. I am not sure, because the Deputy is silent on this, whether or not he sees the integrated register as dispensing with the need for some enforcement licensing system. I believe from his previous comment he certainly does, and I believe the Scrutiny Panel are minded that way also. I ask the question, how would you achieve the enforcement? How would the register be kept up to date? At the moment the Housing Law is transactional and if nothing is transacted one is not alerted. What we would need is a way in which we have a register where we can follow it up and highlight through very selective reviews and have a biannual check now at virtually no cost, because those proposals will come forward, whereby we can identify when there are problems and make arrangements with the landlords to have them rectified. Yes, this can be done. I would argue that the information that Members have already got in the comments really make this proposition rather redundant. I would like to know what extra is required. There has not been the opportunity to meet with the Scrutiny Panel again to follow up these points. That is going to have to happen before the scheduled debate on the alternative, which are the regulations in the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 that are down for debate in September. That needs to happen. We have already got the information, so I suppose if Members want to rubber stamp this and say: "Okay" does it matter? I think it might do when we talk about another legislation because the amendment now seeks to send us off in a trawl of just about every piece of legislation one can find. From my memory, I can remember talks of

integrated databases in the 1990s and yet coming into the Council of Ministers we are told our I.T. (information technology) is miles away from where it should be and we spent millions of pounds and we still have not got it. The time and cost of going towards data integration is something not to be under-estimated. For my money I prefer to stick with an easily achievable option that we have got on the drawing board that is almost there, low cost, and if in the future we get some integrated databases as a result of the One Government structures, good, we can then slot it into there and I shall be delighted but I am sorry to say I will not hold my breath.

3.1.6 Deputy M.R. Higgins:

I think one of the problems for this particular debate is the topic. It is a very emotive topic in the States regarding landlords and tenants, and there are strong views on both sides and I think it taints the argument sometimes. In this particular case I happen to agree with the Deputy of St. Peter that we require more data in Government. One of the criticisms I have had in all the years I have been in the States is how many decisions are based on either very little information or no information at all. People are swayed by an argument but there is no real data. I do accept the arguments that others have made, because I have made the same thing myself and that is that databases can be difficult and the more you try to throw into them the more complex the scheme becomes, the more expensive it is but I still believe we have got to try. With this particular proposition I have no problem with it, because all he is doing is requesting that they do a study and report back in September. I have no problem with that. It may show that it is a very difficult task or it may show it is a very easy task. They can do that and we can find out in September. I feel very strongly about this idea of having information to enable the States to do the best thing. We are going to be debating population in the last quarter of the year, population policy, which is absolutely essential for us trying to deal with our housing policy.

[14:45]

Members are probably not aware of it at the moment, but I have lodged a proposition that will be seeking the creation of a database. It is a property register that will use information from the Royal Court and from the Parish rates registers with a purpose of telling us who owns what. To give you an example, house prices in Jersey are probably somewhere between 20 per cent and 30 per cent higher than they should be because of foreign direct investment, people from outside the Island, who are investing in housing stock or very wealthy people in the Island investing in housing stock who prevent ordinary Jersey people from buying properties and inflating the prices of the ones they do get. How can I prove this? At the moment I cannot. There is plenty of evidence abroad that it is going on, but we have no source of information in the Island to establish if that is the case. That is why the proposition I have got, which is coming forward, will give us that evidence. It will also tell us if, as all the businesses in St. Helier keep on telling us: "We have got very high rents, that is why we are charging so much, that is why the cost of living is so high" again, let us get the evidence and prove that argument or not. Unless we have that evidence we cannot come up with policies to deal with it. In the case of if it is foreign investment that is causing house prices to go up and causing pressure on the demand for property, in that case there are remedies. We can tax; we can pass laws, but again if you have not got the data you cannot do anything. I applaud the Deputy of St. Peter. He wants to get Government decisions based on information, evidence and I want that as well, therefore I shall support him.

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

I listened with interest to Deputy Huelin's speech, mainly because it is an area that I am not very familiar with. I have to say I did love the idea that just after the war of there being a lodger ledger. It got me wondering if people avoided being placed on this thus making them dodgers of the lodger ledger, but I digress. Yesterday I alluded to the bad image of cyclists. Of course they pale into insignificance when viewed against landlords. Even in this Assembly every time we have this debate

we have Members sheepishly admitting to this heinous practice and often prefacing the shocking revelation with a mitigating: “I have a very small flat and I use the rent merely to pay for my grandmother’s arthritic treatment” or some such excuse. It is strange that we do not look at hoteliers like that, or car rental firms like that, but have more than one property and you are seen as akin to Rupert Murdoch. I think we need to step back from that image while looking at this proposition, because it is not about the rights and wrongs of the rental property situation; it is about data collation. I am beginning to get the hang of the jargon, it is about data collation. If we can make this new register of landlords more efficient, more cost effective, it can only provide a benefit to the landlord, the tenant and the administrators. I looked up this Barksdale chap to whom Deputy Huelin referred, and found another quote that is equally relevant when he said: “After all, it is the future of business communications that we are looking toward” and that for me is the salient point. Let us embrace the future with this; after all we talk about it often enough. I am sure the G.D.P.R. issues are not insurmountable and I hope that the Assembly will support the Deputy in this venture.

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

I welcome Deputy Ash’s comments about landlords. I am not ashamed to admit that I am a landlord. I have a lodging house; I treat my tenants fairly and I have nothing to be ashamed of, but I digress. I welcome this proposition because as a lodging house landlord the amount of information that I have to supply to the Government drives me around the bend and I do worry that it does not get used effectively. We have to comply with the Lodging Houses (Registration) (Jersey) Law that requires completion of information, the fire service want a load of information and blow me down the Population Office also want a load of information. We are also still required to keep a tenants’ book with details of all our tenants and their social security cards and their passports and we are required to send tenants’ information off to Social Security. In short, as far as I am concerned the information to populate this register probably exists anyway because I have already supplied it. It does consume a lot of time and I do not mind doing it if it is being used effectively but when we had the recent introduction of the landlords’ law I am not entirely sure that when we were inspected they were entirely aware of who we had on the premises and what they were doing, and they did not seem particularly aware of the tenants’ details we had, despite the fact that we had already supplied that to a States department. I think Deputy Huelin’s proposition rationalises all of that. It will make tenants’ and landlords’ lives easier and it will also, I would hope, make the Minister for Children and Housing’s job easier, because he will have an accurate and up-to-date list of all rented properties or properties that provide rooms to rent, and also the tenants that occupy those rooms, which can only make decisions that he makes about that much better informed. There has been discussion during this debate about how we could achieve this and keep the information up to date. I do not know if Members remember but I did present something earlier on in the sitting about the J.F.S.C. (Jersey Financial Services Commission) Register Law and the J.F.S.C. manage this particular aspect of their job extremely well through the registry and they are updating that. They have a process for making sure that information is up to date, so I think we do not have to turn too far to find an example of how we could do this. If this is passed I would encourage those who are tasked with implementing this to have a chat with the registry office at the J.F.S.C. who will undoubtedly give some useful guidance and may even supply them with some software to do this job. In short, I think this is a good step forward. Everyone benefits. The landlords benefit because hopefully it will reduce the amount of data they have to enter each year. The Housing Department will benefit because they will have accurate and up-to-date information and therefore it is a proposition that is well-worth supporting and I commend the Deputy of St. Peter for bringing it, because it will bring clarity to the marketplace. We have got some decisions to make about housing and population going forward and those decisions do need to be informed. We simply cannot afford to guess anymore and get it wrong, so I shall be supporting it.

3.1.9 Deputy J.M. Maçon:

I am looking at the words of the amended proposition, and I appreciate in the Deputy of St. Peter's opening speech he was saying: "Why do we not just have one database?" and it got me thinking about the various databases. For example, in Health, we have databases that are kept separate to the rest of the system for some very good reasons. One is being able to access health services and one in particular is the G.U.M. Clinic, the sexual health clinic, where some people only access that service because their information is not going to be shared anywhere else in the system. I am concerned, and perhaps there is an undertaking in his summing up that the Deputy needs to make clear, that for example health records, although we have got the data that may have their address, for example, or registered status, would not be appropriate to use in this type of dataset. I appreciate it says "or data source deemed relevant" and of course that is a bit of a grey area. Who is deeming it relevant? If someone turns up on this register later on, because it is being sourced, say, from a service that they do not really want people to know about that they have accessed, that would be highly inappropriate and would undermine that particular service and the confidence of the person using that service. I am very concerned in the way that this particular proposition has been drafted, in that it could be interpreted to draw the circle a little too wide. There are some datasets that the States have that are kept separate for very good reasons, so I wonder in the Deputy's summing up if he can provide some sort of comfort in that area, because my vote will hinge on it.

3.1.10 Senator S.Y. Mézec:

I am sorry to Members who have spoken in support of this proposition so far to have to break this to them, but this debate is a real waste of all of our time. I am also sorry for the fact that in responding to it I have to waste even more of their time to explain it. This may seem not harmful on the face of it; it may sound like an all right idea on the face of it, but this proposition really offers us absolutely nothing when it comes to supporting Islanders in accessing decent homes to live happy lives in and the data that this allegedly is to help collect is not data that will be particularly useful to us and it is not data that we will not be able to acquire properly through the proposed licensing scheme due to come to the Assembly later this year. I think that the comments lodged by the Minister for the Environment explain this very clearly and I think some of those that have spoken have missed some of the points here. The Attorney General was very helpful at the end of the proposer's speech in explaining just how many hoops we would have to jump through to make this proposal workable. It is the case that as things currently stand we cannot use the information that is held under the legislation that the proposer has quoted for a purpose that is not explicitly in that law already. We would have to do quite a lot to be able to use that data for other purposes. Some of that would be changes to legislation and that requires time and effort to put that legislation together. Looking at the timetable that we have for the rented dwellings regulations due to come in September we would either have to delay that much more important piece of work to accommodate the work as suggested in this proposition or we would have to do the digital register after the landlord register we are looking at already, in which case it will give us nothing we will not already have by that point. The idea that we could obtain express consent from those whose data we hold through these existing pieces of legislation to use that data for another purpose is such dodgy ground for several reasons. Firstly, the process of acquiring that consent would be so bureaucratic, so time-consuming and ultimately completely unreliable. If anyone chose not to give consent then it would undermine the whole register. The information would not be accurate and we would not even know that it was not accurate by not having consent from those people. That route to establishing a digital register through that legislation is far more bureaucratic and time-consuming than could possibly be worth it for the inaccurate information we would inevitably end up with as a result of it. Or we could go down the route of changing the legislation to apply it retrospectively to be able to use that data on that and. I say to Members, what sort of message does that send out for us as a jurisdiction for how we believe we ought to act as custodians for this data on people that we have been given? That we can require them to give that data on a particular basis and then afterwards will retrospectively change the law to say: "We are going to use this data for other purposes that you never knew about when you gave that

data to us in the first place”? What a terrible message that would send out. I really think it is something that we should not be entertaining because it goes against the spirit, I think, of data protection that has demonstrated itself to be such an important principle over these recent years. I think that there are 2 main reasons for opposing this proposition. The first is that I think this work has pretty much already been done. The Deputy is asking us to do work that really I think has been done to death already. The first point to make on that is that if this were such a good idea we would have thought of it before now. We are several years now into this journey on establishing a proper, effective regime for minimum standards in housing, something that is fundamentally important to people’s health and well-being.

[15:00]

We are a few years into it. It started way back in 2014 when Deputy Tadier brought a proposition to accept the principle of minimum standards, and 2018 when the first bit of law was passed that specifically says in it that the landlord and property licensing scheme and register was coming. This is not news to us. This has been on the agenda for a long time and been endorsed by the Assembly previously. The comments that the Minister for the Environment has lodged I think pretty much constitute that feasibility study. You can sum it up very easily by saying it is just not feasible. It does not provide us with extra information on top of what the rented dwellings regulation licensing scheme will inevitably give us. It does not provide us with the information to act upon any of this in any useful way and it would require work in changing legislation or seeking express consent from people. That is not a good use of our time in the grand scheme of things. It is not a sensible proposal on that level and I think that that has been explained to the proposer beforehand when there have been previous briefings on the plans for a registration and licensing scheme. The second reason why this proposition should be rejected is that if we were to accept it and we were to, I think, basically go over what we have already done anyway just to double-check whether it is still as bad an idea as it was when it was first looked at, we would I think end up with proposals that are completely ineffective to our aims and purposes, creating another register. Okay, it is a register compiled out of information that we might or might not already have, to essentially do nothing that the proposed register that the Minister for the Environment is bringing later this year will do anyway. It provides us no data on the quality of the accommodation. It provides us no ability to work out whether tax is being paid on the rental income, no ability to know whether the deposit has been protected in the scheme, as is required, or whether no deposit is being held at all, in which case you do not have to comply with that scheme, and no knowledge on the tenancy practices, whether there is a lawful tenancy with lawful provisions in it for the running of that tenancy to make sure that both parties to that agreement are being protected adequately. It offers us nothing and the Constable of St. Ouen said a couple of times that this would make the Minister for Children and Housing’s job easier. No, it would not. It will not make my job easier. It will in fact make my job harder because it provides a distraction away from the work of the Minister for the Environment, which I have supported wholeheartedly from the start because it is the most effective route for ensuring that people are living in decent quality homes and that they are meeting those minimum standards. As an aside, we get data that is useful for policy formation, and we get it through that register, not through the complex and bureaucratic register process that is proposed in this proposition. Perhaps this might have made sense if it came a few years ago. Just a few years ago there was very little in the way of regulations on minimum standards for rental accommodation. Things have come thick and fast in the last few years, after many years of work to get us to this point, and if somebody had proposed this maybe 3 years ago then it may well have been a sensible idea and a helpful starting point. The problem is that we are not at the start anymore. We have already undertaken work; we have already introduced regulations and now we are ready for the next step, which is the establishment of that register as outlined in the 2018 regulations when they were passed. We are ready for that. We want to just get on with it and when we get on with it we will have information that we need to do our jobs properly and, more importantly, we will have the enforcement powers, the ability to say: “Your property is

not safe for people to live in, therefore you cannot rent it out until you fix that.” That is what this is about and what the Deputy of St. Peter is proposing does not help us get to that point. Instead it insists that we are distracted and we will be distracted by doing work that has already largely been done and not just done, it has been presented to Members and to the public and this comments paper. While it perhaps does not tick literally every single box that you can take from the wording of the amended proposition, I think it is pretty clear from those comments that it will not be possible, even with further investigation, to reach any conclusion other than the proposal of establishing a digital register of landlords and tenants using existing legislation is not feasible or it would require so much work to make it feasible that it is a disproportionate waste of time and effort to do that. In conclusion, if this proposition is passed, in the grand scheme of things it is not that harmful. I just warn Members that perhaps in a few weeks you will get another document very similar to the one that you already have that just reinforces what it already says but perhaps with a little bit of extra information and those who will have contributed to that document will have been required to waste a bit of their time when they could have been working on more productive things. Or we can accept that what has been outlined by the Attorney General in answer to the questions earlier and what is presented in the comments from the Minister for the Environment represents a helpful explanation as to the situation that it is not particularly feasible, that it is a waste of our time, and instead we can focus on the upcoming debate that there will be on the rented dwellings regulations that Members will have very strong views on, I am sure, I am hoping a substantial majority in favour. But I am sure there will be those against or those who at least have concerns about it that they will want to air, and that is completely legitimate and it is important for us to hear that, but that is the time and place for that debate, because that proposal is the all-encompassing package that enables us to move forward on our stated aim of improving access to decent quality accommodation. I think that fits into 2 of our strategic priorities that we adopted unanimously as an Assembly on improving people’s health and well-being and improving on income inequality. I think we ought to look to that debate to have that comprehensive look at this as a subject matter, not provide what is ultimately going to be a fruitless waste of time by distracting us with further investigations into the feasibility of something that is quite clearly infeasible already. Members of course can vote how they like. I suggest though that those voting in favour are probably wasting their time and on to nothing and let us just move on from this and focus on that much more important debate in September where these issues can be discussed and we can tangibly have an effect on what is going out there in our Island, rather than this.

3.1.11 Deputy I. Gardiner of St. Helier:

To follow the previous speaker, I would like to, before my speech, make it clear. First, I believe that we do need to have property registration. Second, I believe we need a good standard of accommodation. At the same time I believe that this proposition is not a distraction and it is an important first step in the journey to bring information together. I will give to the Members very practical situations that happened during the last 3 months to explain why it is important to look through the data that we have available already. The case that I will present will not be covered by the proposition on rented dwellings that we are due to debate in September, and this would be covered by what the Deputy of St. Peter is proposing. I have been involved in finding several emergency accommodations since the beginning of the COVID crisis. I have to say that the emergency housing team are doing as much as they could and they helped as much as they could. It is not about their work. Their work was exceptional. The Minister will be aware that the high percentage of these emergency accommodation cases were around evictions from rented rooms or sofa-surfing arrangements. Most of these cases were for unqualified accommodation. These particular tenants will always be registered for social security and tax purposes and before this debate I spoke with several of them and asked: “When you move from one room in one flat to another room in a different flat are you going to change your address?” and they said yes. So sometimes they can move even into a room which has not been rented by a flat owner before. Lodgers in private homes, which were excluded from the previous law for tenant protection and also will be excluded from P.106, can be

covered and protected if we can pull all the data that is available together now. We might need their consent and through the debate they have told us this, some of the data is to be included in the joint register of rented property, but from my perspective if the landlord who is renting a room in her or his private house is not ready to give consent it will be really worrying and we will need to ask the question why. This proposition is about data, so basically not including available and frequently changing data such as lodgers in private housing could be leaving again the most vulnerable lodgers unprotected. Supply of quality; suitable accommodation is one of the major challenges we are facing and we cannot even start solving the problem without being able to quantify the problem without accurate information, and this is again why Jersey, our Government, need to have an efficient co-ordinated accommodation database. What this proposition does is the first step of the journey, starting with the landlord and tenants, and I would like this data collection to be extended to all available data of all residential and commercial properties across all categories. Only then will we know where we are and from this knowledge forecast what we need in the future. This is where Deputy Higgins said we need to make a decision on the data. We need to know how many one-bedroom, 3-bedroom, how many are for sale on the open market, how many affordable homes, how many of all sizes that are rented and similar. Without this compiling of accurate data we have again an opinion or, at best, incomplete data that can be interpreted and manipulated to fit any agenda. Yes, it will take time. Yes, it will take resources, but it is about time to stop creating more and more unconnected databases and continue to work in silos. In the long run, if we finally create one single source of data it will save us lots of time, money and effort in the future. I would like to ask Members to look into the wording of this proposition. It is about joint co-ordinated data; it is about the first step, not the last one, and not against registers or the standards. I will be supporting this proposition.

3.1.12 Deputy R.J. Ward:

A few things I must raise from this. First, I am not entirely sure that what the proposition seeks to achieve makes the sense that it suggests it does.

[15:15]

Before that, I would like to raise a point that must be raised, I believe. We have spent the last day or so talking about propositions where officer time has been said to be unavailable and so we cannot make the change. When that happened the Chief Minister and his Ministers stepped in to reiterate and support each other in that discussion, in that debate and said: "Look, this will delay other things, this will mean the bigger picture will not happen, that other areas will not happen, it will be delayed and in the longer run it will be better." It seems to me we are in a similar place but that now seems to have been forgotten. I would like the Chief Minister and the Minister for Health and Social Services, for example, to step in and support his Minister for the Environment and his Minister for Children and Housing when they say that this is something that does not need to be done. It will be a distraction to the larger debate, which is having a genuine register and standards for landlords, which is what we will talk about in September. I am very disappointed that has not happened yet. Indeed there are Assistant Chief Ministers who seem to have changed their minds completely on that approach. The important thing here is that let us really think about what is happening here. We are being led down a road, which is a very clever way to go about things, we had this debate about data, this esoteric concept of one overall set of data, which means we can press a button and everyone can learn everything they want about everybody. If that was the case, there would be many people standing up in this Assembly and saying: "We are not a police state; we do not want that." So there is your first contradiction. The second one is this idea that we have to do as much work as we can on whether this database could work and we are going to do it by this time. There is a debate in September on the wider issue of the registry, what will happen, and I think we call it a hypothesis, is that we will come back and say that work has not been done so we will need to delay further that discussion on a proper set of standards and protections for tenants, those people who are paying such a significant proportion of their income each month for the basic of life, which is a home. That is

where we are heading. I would say to Members, please think carefully, please do not be duped by this. In the comments paper, for example, and I mentioned it earlier but it did not seem to stop the debate, it says in the summary: “This is an opportunity to use readily available technology to deliver the required data on all rental properties. How it is to be used is not today’s debate, however there is no debate to be had without an accurate database.” There is no debate to be had without an accurate database. That is what is known, I believe in the trade, as a loss-leader bid, a pre-setting of an agenda for later on. Then it says later on in the summary: “Finally, this address gives an ideal solution to the well-documented aims of the Minister for the Environment and Minister for Children and Housing to know where all the rental properties are.” I believe that we have to be careful that this is not going to be led into a wider solution to the whole issue of the debates that we will have in September and that we are not being led down a line here by suggesting that work needs to be done into something that we know will not work and we know will not happen because of the nature of the way the States are. We have been told, and we know already, about the inadequacies of the databases that the States hold in terms of being integrated and it will take years. Unless we are open and honest about what we are seeing here, this debate becomes flawed and fundamentally skewed toward something that we are not going to look at in the future and it will change minds in a way that we have not seen yet. It is a very clever piece proposition to lead the way from somebody who does represent landlords and we need to be very careful about those links and we need to be very careful about the arguments that have been put in front of us here. I, for one, would suggest that this is an unnecessary use of time, particularly when we have seen that we do not even have the time to set standards for other people in our society who are perhaps the most vulnerable but we were happy as an Assembly to vote to give time toward something that we know is going to delay a later debate. Yet again, if we are not careful, we will let down the people of Jersey and we will be seen as a laughingstock.

3.1.13 Deputy D. Johnson of St. Mary:

I was not going to speak until I heard the last address and I hope you will forgive me if I suggest he is perhaps being a little over-cynical on the issue. As other Members have said, the proposition is in part (a) to request the Council of Ministers to investigate various things and (b) to report back. That is as far as it goes. I will take the point made by first the Attorney General this morning, followed by Deputy Young and Senator Mézec, that in reality the answers may already have been given and when that report does come back, if it is voted to do so, it will be sufficiently firm to dissuade us from following that path. But the subsequent debate and the proposition lodged by the Minister himself will be stronger for us having gone down this particular route. That is all I say. I do not, from the comments I have heard, I think Senator Mézec said it was not harmful, Deputy Young again referred to most of the work having been done, so I do not see it as being a major distraction. Principally for the purpose of getting a stronger law in place in the future, I am inclined to support this proposition and have that report back.

3.1.14 Senator I.J. Gorst:

I am pleased to follow the Deputy of St. Mary, because he of course hit the nail on the head when he used the terms “request and report”. I do not think, for my part, I have heard any good argument about why that request and that report should not be made and undertaken. We always have a dilemma and one of the dilemmas that the departments face in bringing forward the new register of landlords is do we simply focus on that one piece of work and create a new bureaucracy to deliver that policy priority, which is rightly the priority of the Minister for Children and Housing and the Minister for the Environment? Or do we do something, which is a little bit harder, and we have to accept that, and that is to look around us and ask ourselves whether we are just outsourcing a bureaucracy to outside of Government because we do not want to do the work within Government to see if we already have some of this information that could be used for this purpose? If we reject the Deputy of St. Peter’s proposal, you could argue we are keeping our blinkers on and saying that we are not going to take any responsibility in Government for the bureaucracy that we put on Islanders

or businesses or landlords or tenants, despite the fact that we might already have a bureaucratic system in place that could provide the information. I understood the advice of the Attorney General earlier in the day to say there was not an impediment to doing what the Deputy of St. Peter is suggesting. Others have said that it would be incredibly difficult and we could not possibly do it and it would take too long and if you were going to deliver an individual consultation requesting each individual landlord and tenant to give consent that might be the case. But it would appear to me that you could have a simple regulation before the States, which would allow the issue to be dealt with, and that would be particularly important, as Deputy Maçon said, because it could not use health information, it would be inappropriate for it to use health information. But that is something that the Government would have to come back to the Assembly for those decisions. I understood the Minister for the Environment's concerns largely to be, yes, he talked about large I.T. projects and how they take so long and are so difficult, and I do not disagree with him, but this is a Government that is putting £20 million into I.T. infrastructure, I am not sure if that is this year or next year for the Government Plan, but it is many millions of pounds to improve the I.T. infrastructure so that we can do things like this. But it still comes back to that question: are we going to create another new separate bureaucratic infrastructure in Government for this policy aim, thereby making ultimately a combined database more difficult, more costly, and more time-consuming, in the future? Or are we going to take this time to reflect, to undertake the further work that is required, and I know that some have asserted that work has been undertaken as they have read the Minister for the Environment's report, but as the Constable of St. Brelade indicated, and he sits on the Scrutiny Panel, there is other work that needs to be done, which has not quite been done. But the main concern that the Minister for the Environment had, and it is interesting for us just to think about that for a moment, is around enforcement; that what the bureaucracy that he is wanting to put in place is important for enforcement. We just have to remind ourselves about what enforcement powers are already in place, and there are enforcement powers already in place, but the concern of Ministers has been whether those enforcement powers are triggered and can be triggered by the department and therefore do not revert back to a tenant tipping off, or whether they just come into play when someone has tipped off. I do not think that issue is precluded from the proposal of the Deputy of St. Peter. If the work is undertaken and a digital approach from existing data can be delivered in a timely manner, and it has to be done in a timely manner, then enforcement issues can be maintained. If it cannot be, a report will be published to the States, which makes exactly that point and says that it cannot be. So I do think that the Deputy of St. Peter is right for this additional work to be undertaken in early course so that we can finally answer that question: do we just carry on with the work with our blinkers on or do we take the blinkers off and see if we cannot deliver this database, this technological solution, in a smarter way, which will be more effective, more efficient, and less bureaucratic for Islanders? I am in the position, as I sit here now, in thinking that it is right to give the Deputy of St. Peter's proposal the benefit of the doubt and to ask Ministers to do that work because, as I see it, there is nothing that he is requesting that is insurmountable in some of the ways that some have suggested.

3.1.15 Deputy M. Tadier:

Senator Gorst has encouraged me to put my camera on so that I can look him in the eye and he can look me in the eye when I speak.

[15:30]

Let us first of all analyse this, I have not made any notes, I was not necessarily intending to speak, but the amount of times that Senator Gorst used the word "bureaucracy" to try to portray the model that is being put forward by the Minister for the Environment, my Minister for the Environment, and the Minister for Children and Housing, because essentially what we have here is a political problem. Let us put this in context; accommodation, housing, homes for Jersey people, is a political problem, which will not go away. The political problem that we are trying to solve, some of us, is the fact that there is still far too much substandard accommodation in Jersey and all accommodation in Jersey is

being charged at a very expensive rate, whether that happens to be substandard or not. We need to get to a point whereby we know exactly who is renting property out and the key point here is not about a digital solution, we need a political solution to what is a political problem and that requires political will in order to get to the bottom of it. The issue here is about licensing and we cannot get away from this. In order to rent out property in Jersey, you should have to have a licence, and you only get given that licence once your property has been inspected and once it has been found to be fit for purpose. Deputy Ash compared it to any other business. Well of course first of all it is not like any other business because when you rent a car out to somebody or when you sell alcohol to somebody in a pub, which of course does need to be regulated, that is not a human right. You do not have a human right to go and buy a tee-shirt in Voisins, for example, it is important that we have consumer protection. But homes are a human right, it is a United Nations commitment, very much like we were talking about the rights of the child yesterday, and Government has an ethical, if not a legal, responsibility under that framework to ensure that good housing is provided. So we cannot get away from the fact that we do need a licensing system in Jersey. That is not bureaucratic; that is just necessary. So that is the first point. My concern is that all Ministers are clearly not equal, so yesterday, or even earlier today, the debate very much focused on, and I have seen this so many times, you get a fairly anodyne proposition, which on the face of it we look at it and say we would probably support that. Then the Ministers come back and say: "But we are doing this work anyway" or: "We are in the middle of COVID and it is going to give us extra work to do" and the opponents will then say: "But you need to do that work anyway." The Ministers normally stand by their fellow Ministers. The issue we have here is that first of all the Council of Ministers are completely divided on this issue of getting to the root cause of Jersey's housing crisis because half of them have no interest in doing that. Also we know that many of the Assembly have private interests. That does not mean of course we cannot put those interests aside and vote in the public interest, which we must fundamentally do. So this proposition, rather than asking the Minister for the Environment or the Minister for Children and Housing to come back and find a solution to something, which is within their remit, my biggest concern for this is that it requests the Council of Ministers to investigate the provisions of the administration of the Control of Housing and Work Law. What this does, it asks a divided Council of Ministers to look at a very divisive issue for themselves to come up with a solution, a digital technical solution, and that will give further opportunity to reopen the debate about whether or not we need a housing register at all, what kind of housing register we need, and it will distract ultimately from the work that the Minister for the Environment and the Minister for Children and Housing are seeking to do. If this was on a different issue, if it was the Minister for Health and Social Services, whose face does fit into this Council of Ministers, the united position of the Council of Ministers, with their prewritten civil service speeches, would be a whole list of why we should oppose this proposition and, depending on how they do on the day, they might get away with it, they might beat the opposition 29-15, whatever. But today, where is the Chief Minister to speak on this? We have the Minister for External Relations, the Chief Minister in exile, as he is known among the business community in Jersey, is the one who leads the charge, not in favour of one of his fellow Ministers, but supporting the Back-Bencher who is asking to distract from a governmental point of view from what the Government is seeking to do. So why is the Council of Ministers not supporting the Minister for the Environment or the Minister for Children and Housing on this issue? I understand that a vote was taken at the Council and that there is a position established. Can we hear from our great leaders as to where their leadership is on this issue? This is not to, in any way, distract from the work, at least the Deputy of St. Peter is putting something forward in this area, but my great concern is that it does not deal with the fundamental issues that we are already years behind in a licensing regime. It is a great privilege to have property and to let it out to the working poor in the Island so that they can have somewhere to pay their 40 or 50 per cent of their disposable income to with nothing to show for it. It is absolutely incumbent that we empower our Ministers to bring forward a scheme, which is fit for purpose for the 21st century.

3.1.16 Senator J.A.N. Le Fondré:

I am not asking to speak in response to Deputy Tadier's comments, which I shall bluntly and generally ignore, other than to say that he seems to be criticising differences of opinion among Ministers that, as I have always understood, was the democratic position that we have tried to follow. I have been listening to the debate with some interest and the position I have always taken on this, there is not a universal opinion among the Ministers; that is why it is a free vote. I have always tried to support what I will call feasible propositions when they do come from Back-Benchers. I have done that for Deputy Southern, Deputy Maçon, and I am now doing it for Deputy Huelin, and I am being consistent in that in trying to look at the proposition and not the individuals, nor their political persuasion, and I am sorry if that disappoints Deputy Tadier. What I will say, I should just point out I am not challenging in any shape or form the need for a licensing system, nor for registration, but that is not what this proposition is about, as far as I am concerned. I also note the comments from the Attorney General that essentially deal with the whole data protection side, which Senator Gorst has alluded to already, which essentially means that we could address the issues raised by potentially a law change, which also does not seem to be the purpose of the proposition. Very briefly, because some Members have gone off at a tangent at certain points, this proposition, as far as I can see, does not restrict the contents of any data to be held, it just talks about the creation of a potential digital register. It is not in the proposition specific about what that data might consist of. Also, just as an aside, I share absolutely Deputy Higgins' issues, and I have said that on the record in the past, around what I would call external buy-to-let. Fairly obviously, because of the COVID-19 crisis, we have had other matters to deal with but once we get back to something resembling business as usual I would hope that those type of issues will come back to the fore. Just to return to the proposition, it basically says to investigate the provisions of a list of laws, including any other legislation that is deemed relevant, and to essentially look into the feasibility, to determine the feasibility of using that legislation to establish a digital register. If we are meant to be holding ourselves out as a digital sandbox, as a place that should be able to hold its head up proudly in the world of digital technology, and particularly, I think it was Deputy Wickenden, if not the Deputy of St. Peter, who referred to 10,000 databases we have within the public sector, and all the rest that goes with it, then surely we should be looking to see if it is feasible to use the data that we already have to give at least the foundations of a good database to deal with this issue. The Deputy of St. Peter has tried to be constructive, I would suggest, in doing it in a fairly short timeline, but not wishing to disrupt the other matters that are coming to this Assembly in September. For all those reasons, and as I said, I am being consistent in supporting a Back-Bench proposition when I think it is reasonable to do so and on that basis I certainly have no reservations in supporting this. I also endorse some of the comments made by the Deputy of St. Mary in that regard and I do not think I need to add anything else, but I hope that assists Members and certainly my deliberations.

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

A pleasure to follow the Chief Minister on this one. Data is king, without a shadow, and you just have to look at organisations such as Amazon and Google that pick up on any data entered through their systems, they have algorithms that look at trends and various other things. It does surprise me - well it does not surprise me because I have been in politics now for 6 years - and I have looked at the public sector and there are so many inefficiencies and what speaks volumes is the fact that there are 10,000 databases there and I am sure that is 10,000 databases with duplicate information on them, without a shadow of a doubt. Can you imagine the amount of labour time and taxpayers' money paying those people to input data constantly; it is quite staggering. It is well over time that we got to grips with becoming a modern forward-looking organisation and getting all the data that we can; it is so important. Deputy Gardiner made the point earlier, and it was in my notes as well, is that we really do need to know how many affordable houses we need to build, how many one, 2, 3-bedroom flats, what is the population going to be in 2030, the exact numbers, not just guesstimates. So I am pleased Deputy Huelin has brought this to the Assembly today and I will be supporting him.

Strangely enough, we were at Hautlieu together the year of 1977 and we both went off into computers and I, like him, have an understanding of databases, in fact I programmed using them. Like all things, the input has to be good and it is all about creating accurate data. It is the old thing, rubbish in/rubbish out, so a piece of work has to be done there. The beauty of a database is you can add fields, as many fields as you want, and you can pick up on anything that you feel is relevant for that database. That is about it, but I will be supporting Deputy Huelin's proposition.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? If no other Member wishes to speak, I invite the Deputy of St. Peter to reply.

3.1.18 The Deputy of St. Peter:

I thank you all for your considered input over the last hour and a half or so. There are a lot of notes here and I am reminded of what Deputy Ward said yesterday. Instead of going through it individually, I would just like to thank everybody who has picked up on the words like "repetition" and "consolidation" and "efficiencies" and "breaking down of silos", which is really what this is about, it is about 21st century efficiencies and consolidating data. I would like to talk to Deputy Young and he was worried about the projects that fail. I can understand that because when he referred to 1990 when he was in Government somewhere and looking at projects that were not successful was about the time that I was working for that little company called Oracle, now one of the top 3 or 4 or 5 companies in the world, who started selling relational databases, which was a wonderful concept at the time. Yes, they were flaky and they were quite small and they were challenged in the days, but we are not in 1990 nowadays. I recall when I was at Oracle, I know I am digressing, they broke the record of the largest database in the world at 4 terabytes. That was the largest database in the world and that is within geoscience. Go and have a look at your computer that you are looking at now, your average drive in there is 1 or 2 terabytes, so the world has moved on a little bit, we are in 2020 and the databases and the analytics and the way they can be designed is at a very, very different place today than it was then. So, yes, I accept there are risks, but the whole world at the moment is using data and data is king nowadays.

[15:45]

As Deputy Truscott has alluded to, these Amazon and Google databases and the way they are managing G.B.D.R. (Great Britain Data Regulation) are absolutely vast, this should not be a restriction to going forward. I believe Deputy Ash is becoming a techy, which is very, very encouraging to see. Deputy Maçon, you were concerned that data could be used for multiple reasons. I would just draw your attention to something called data segregation where in the building of databases you can determine exactly who can see and use, and that is an operational issue, which would have to be supported by a legal issue. Senator Mézec, I really do not know where to start. I would just like to say that this is about data and this is about, I would hope, giving you as Minister for Children and Housing the information that you require to fulfil your duties to the best possible way and giving you the tools of your trade, the facts, the evidence and the data, in order to make these very, very important decisions that we need to take. It has been mentioned, I cannot remember who by, that we need to have absolute forecasting data, factual forecasting data, to know going forward, not how many houses we need, but obviously that is important, but how many one-bedroom flats we need, how many 3-bedroom houses we need, do they need to be in the affordable market or the open market, how many of them do we need for rental accommodation, to satisfy the requirements, and that has to be merged with the population data, which is obviously fundamental. I also would say that you suggested that the A.G. (Attorney General) said it was not feasible; Senator Gorst made it quite clear it is feasible in order to do this and I would say it is very much a case of the effort and the benefit and we need to trade that one off. Other comments were really based around the safety of dwellings legislation and the licensing, not focused on what I am looking at, is the data

behind that. Thank you, Deputy Gardiner, and her references on emergency housing and lodging - a great comment - you cannot solve problems without quantifying the problem, and that is exactly the core that is behind data, and this is the first step, not the last step, so I thank you for that. Deputy Ward, it is not a distraction, this is about taking the opportunity and I am sorry I have not done it before. I will confess I am sorry I have not done it before, but it has taken me quite a lot of time to get into this job in a totally different world of Government to try to understand what the problems are. It is only when I started this particular proposition, I started digging and digging, did I realise how huge the challenge was and how dysfunctional and spread out and split the data we have. Therefore, consequently, that is why I brought it forward now; I wish I had done it day one because data is a fundamental problem. Somebody mentioned reputation of our Island, maybe it was Deputy Tadier. I thank Senator Gorst. Are we going to keep our blinkers on or are we going to take this opportunity, before we start to introduce new databases and legislation, and ultimately just compound the problem? It is simple legislation. We are investing in I.T. infrastructure, we need to look at these projects and look at projects that can be built on so we can ultimately get a very, very good view and a very good understanding of our population. That is not big brother and that is not breaching G.D.P.R., that is just understanding where we are. I thank the Chief Minister, this really is about technology, it is about data, and picking up on the 10,400 databases we have, we do not need 10,401, it is going in the wrong direction. Who would have thought Deputy Truscott and I, from our Hautlieu days, would have ended up in politics via I.T., so I just have to say the elephant in the room from the outset was G.D.P.R., it is complicated, but if we give in immediately without exploring this in detail we will never be able to use government data effectively. This will leave us for ever making decisions on opinion, not fact. Gaining consent is an operational matter and we have been told by the A.G. that we can facilitate that. So, if you believe, as I am convinced, that consolidated data is the basis for informed and accurate decision making, I urge you to support this investigation and I move the proposition and call for the *appel*.

The Deputy Bailiff:

The *appel* has been called for. The Greffier will place a vote in the chat channel for the meeting. He has done so; the vote is open and I ask Member to cast their votes. If all Members have had the opportunity of casting ...

Senator I.J. Gorst:

I am sorry to interrupt you but I have been in the States sitting alongside the Minister for Health and Social Services, appropriately distanced of course, and he is just telling me that he appears to have been removed from this sitting and cannot do chat either and potentially also the Constable of St. Peter and the Constable of Trinity. I wonder whether you can take his vote orally through my laptop or whether there is some other method he can avail himself of.

The Deputy Bailiff:

Yes, he can vote orally so long as we can hear him.

The Deputy of St. Ouen:

Thank you, I vote *contre*.

The Deputy Bailiff:

Is anyone else with you, Senator Gorst, who wants to vote in the same mode?

Senator I.J. Gorst:

No, there is not, but I still think these other 2 Members have been removed from the meeting, so I am not sure what the Greffe will do about that.

The Deputy Bailiff:

Which Connétables have been removed, did you say?

Senator I.J. Gorst:

I see St. Peter is in the chat now, so he must obviously be back. If the Connétable of Trinity is voting as well, others will know that, not me. No, he is online as well, it must just be the Deputy of St. Ouen.

The Deputy Bailiff:

I will have to close the voting now, otherwise if we wait too long then sometimes the machine can freeze. I invite the Greffier to close the voting.

POUR: 34

Senator I.J. Gorst
Senator L.J. Farnham
Senator S.C. Ferguson
Senator J.A.N. Le Fondré
Senator K.L. Moore
Senator S.W. Pallett
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 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 R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy L.B.E. Ash (C)
Deputy K.F. Morel (L)
Deputy of St. Peter
Deputy of Trinity
Deputy M.R. Le Hegarat (H)
Deputy S.M. Ahier (H)
Deputy I. Gardiner (H)

CONTRE: 12

Senator T.A. Vallois
Senator S.Y. Mézec
Deputy G.P. Southern (H)
Deputy M. Tadier (B)
Deputy of St. Ouen
Deputy L.M.C. Doublet (S)
Deputy J.H. Young (B)
Deputy G.C.U. Guida (L)
Deputy of St. John
Deputy J.H. Perchard (S)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)

ABSTAIN: 0

The Deputy of St. Peter:

May I take the opportunity to thank everybody for their contribution and my first proposition and also specially to thank our new researchers in the Greffe for the help that they gave me during this proposition. Thank you.

4. Draft Limited Partnerships (Continuance) (Jersey) Regulations 202- (P.83/2020)

The Deputy Bailiff:

The next item is the Draft Limited Partnerships (Continuance) (Jersey) Regulations, P.83, lodged by the Minister for External Relations and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Limited Partnerships (Continuance) (Jersey) Regulations 202-. The States make these Regulations under the Order in Council dated 28th March 1771 and the Order in Council made on 14th April 1884.

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

Hopefully, these are straightforward regulations. They allow for foreign incorporated limited partnerships, after having undertaken various regulatory requirements, to be continued in Jersey and therefore become Jersey limited partnerships. The details of how they would go about doing that are in the Articles. There are various obligations placed upon them to do so. This is a potential opportunity as we move into recovery and we seek to deliver new business to Jersey. One of the potential opportunities that we have from being white-listed that others around the world have approached us about is this very issue. I am extremely grateful to the Scrutiny Panel for, at quite short notice, undertaking their work and meeting with my officials and I am very grateful to them for that. I am also grateful to all Members for taking this item at this sitting. I maintain the principles of these Regulations.

The Deputy Bailiff:

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

4.1.1 Deputy G.P. Southern:

Just one simple question: these new partnerships, are they likely to pay Jersey tax, will we see any revenue from them?

4.1.2 Deputy K.F. Morel:

I would like to thank the Minister for mentioning the Scrutiny Panel, it is very kind. I just wanted to confirm what he said, we did undertake scrutiny and passed, and we understood why this is an opportunity for Jersey and the law itself enables the movement of entities to Jersey, particularly from jurisdictions, which are not supportive or are unable to support them at the moment. So we understand the need for the speed in this and we were satisfied that it is being done in an appropriate manner. We will continue to check because, as we have had with other matters in this vein, the Scrutiny Panel had concerns with regard to potential reputational issues, but as a Scrutiny Panel we will continue to monitor and ask about that just to make sure that Jersey maintains its strong defence against disreputable business and we certainly would not want that, and should not see that, through this law, but we are quite happy with the law.

4.1.3 Deputy R.J. Ward:

I just want to ask a little question about reputational issues that were touched upon by the previous speaker. What sort of protection is there against companies and businesses that are based in jurisdictions with questionable human rights records? We may be supporting governments with questionable human rights records, and how will this legislation perhaps affect that and will it open the doors to companies such as those and how will that be regulated?

The Deputy Bailiff:

Does any other Member wish to speak on the principles of these Regulations? If no other Member wishes to speak, then I invite the Minister to reply.

[16:00]

4.1.4 Senator I.J. Gorst:

If we take the reputational issue, one of the reasons that current foreign limited partnerships want to come to Jersey is to come to a jurisdiction with a good reputation, which is white-listed by the European Union to show that they can act appropriately with appropriate regulation and they can meet appropriate international standards. So it is the other way around, there is a process that will be gone through before they are given the continuation approval and after that they will become, in effect, Jersey limited partnerships, but it means that there is no ceasing. So it is this idea that they are continuing from one form to another without ceasing and having to restart. But there are, as the regulations describe, hurdles to get through in order to do that, but they are coming because of our reputation. Therefore we will regulate them in the way that we currently regulate limited partnerships and that is acknowledged to be to the very highest international standard. It is important that regulation is in place and that it functions well. Of course the Deputy knows that the gatekeeper and the regulator are one and the same, the J.F.S.C. Deputy Southern asked me a question about taxation; of course fees will be payable. These L.P.s (limited partnership), of course, can carry out different businesses but they are taxed as part of fund business and financial services activity at 10 per cent unless they are just ordinary L.P.s not undertaking any financial services activity, but that is very unlikely, so it is most likely that they will fall within that category, i.e. they will fall within the 10 per cent category. I maintain the regulations and call for the *appel*.

The Deputy Bailiff:

The *appel* is called for on the principles. In a moment, the Greffier will place a vote into the chat channel of this meeting. The vote is now open and I invite Members to cast their votes on the principles of these regulations. If all Members have had the opportunity of casting their votes, either on the link or in the chat, then I ask the Greffier to close the voting.

Deputy M.R. Higgins:

If I could point out again, I have had to vote on the chat because, by the time we get the thing from Microsoft giving us the codes and typing it in, you are too late.

The Deputy Bailiff:

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
Connétable of St. Helier
Connétable of St. Clement
Connétable of St. Lawrence
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 M. Tadier (B)
Deputy M.R. Higgins (H)

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

I need to ask you now formally, Deputy Morel, if the Economic and International Affairs Scrutiny Panel wishes to scrutinise this matter.

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

No, thank you.

The Deputy Bailiff:

Very well, Minister, how do you want to propose the regulations in Second Reading?

4.2 Senator I.J. Gorst:

I would like to propose them *en bloc*; that is Regulations 1 to 10. I should just have made clear to Members, but hopefully I did not need to, these are triannual regulations that allow them to come in at very short notice and what we will do between now and the end of the 3 years is we intend to bring them in under the perhaps more normal approach to regulation. But if there are any questions that Members have I will endeavour to answer them.

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 the Greffier to add a vote into the chat channel of the meeting. This he has done. The vote is now open and I ask Members to cast their votes. If all Members have had the opportunity to cast their votes in the chat or on the link, I invite 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				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
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Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

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

4.3 Senator I.J. Gorst:

If I may, and I thank again the Scrutiny Panel for their engagement and I thank my officials and stakeholder parties who have worked at pace to bring forward these regulations. I maintain the regulations in Third Reading.

The Deputy Bailiff:

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

4.3.1 Deputy M.R. Higgins:

Very briefly. I hope Senator Gorst can tell us that the third parties he was referring to, I assume, were not legal firms, as in the case of the original limited partnerships that we had.

The Deputy Bailiff:

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

4.3.2 Senator I.J. Gorst:

I wonder if I could just ask Deputy Higgins to rephrase his question because I am not sure if he is asking whether it was legal firms that might want to avail themselves of using these structures or whether legal firms were part of the normal stakeholder engagement. Because, if it was the former, then that is not my understanding, if it was the latter, of course the stakeholders in issues like this are the regulator that would be the J.F.S.C. and Jersey Finance, and Jersey Finance has subgroups of interested members of industry.

Deputy M.R. Higgins:

Yes, I would be quite happy to clarify my position. When these laws originally came in 20-odd years ago it was written by a law firm who were trying to promote a particular type of business vehicle. I hope that they did not write the law for the States and that it was done independently.

Senator I.J. Gorst:

I thank the Deputy for that clarification and I can confirm that was not the case, so his fears are unfounded in this regard. Of course I well understand the issues that he is referring to all those years ago and that is not how now we introduce financial services legislation to the legislature. We have a functioning team within Financial Services, a number of them have legal qualifications, as one would expect, but we have a proper structure in place of consultation with the regulator, with industry, and importantly the Law Officers' Department, but laws are drafted by the Law Drafting Department. So I maintain the regulations in Third Reading.

The Deputy Bailiff:

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. If all Members have had the opportunity of voting, 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				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
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Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				

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

5. Vote for Jersey Heritage Trust: appointment of Chair (P.90/2020)

The Deputy Bailiff:

The next item is Jersey Heritage Trust: appointment of Chair, P.90, lodged by the Minister for Economic Development, Tourism, Sport and Culture, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint Mr. Tim Brown as chair of the Jersey Heritage Trust for a 4-year term commencing on 1st August 2020.

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

I am pleased to bring this proposition today, which asks the Assembly to approve the appointment of Mr. Tim Brown as the next chair of Jersey Heritage Trust. His C.V. (curriculum vitae) as set out in the report accompanying the proposition illustrates the considerable experience and skills he brings to the role, which will be essential in supporting the Heritage Trust through what is still the most challenging period in the wake of COVID-19. Mr. Brown is the current chief executive officer of Jersey Post, a role he has held since 2014. Mr. Brown was appointed a Jersey Heritage trustee in 2016 where his professional skills as a chartered public finance accountant have been valuable, as they will be, I believe, in steering the Heritage Trust through the current pandemic and into the future. The recruitment process was overseen and endorsed by the Jersey Appointments Commission and the 2 candidates for the role were interviewed by a panel and the choice was unanimous. I would like to take this opportunity to thank the previous incumbent, Professor Ed Sallis, who stepped down recently at the end of his maximum term of office. I would also like to extend thanks to Claire Follain, who was previously vice-chair, but filled in as an interim chair while the recruitment process

took place. If approved today, Mr. Brown will serve a 4-year term of office in line with the Jersey Heritage Trust constitution and this would officially start on 1st August. I think Mr. Brown will bring the skills, which will be required to lead the board into the years ahead and I make the proposition.

The Deputy Bailiff:

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

[16:15]

5.1.1 Deputy J.H. Perchard:

I just wanted to take the opportunity to thank the Deputy Chief Minister for making the effort to contact Members in advance of this appointment to demonstrate that the diversity of the committee has been taken into account and that, from a diversity point of view, headway has been made and can be demonstrated in this particular committee. I would just like to make the point that I do not think it would have required much effort for the Minister to send this email and I really ask that other Ministers who make appointments in the future use that as a template because it was very helpful to me as a Member to understand the impact on diversity and it enables me to confidently support this appointment without having to raise the question yet again of whether this is now a diverse group or not. Hopefully, we can move beyond gender and age diversity to include other kinds of diversity that are not yet accounted for in all of our appointments, such as disability, ethnicity and the other protected characteristics. But I just wanted again just to reiterate my thanks to the Chief Minister for clearly bearing in mind the Assembly's preference for diversity and demonstrating the importance that he places upon it by proactively contacting us, looking at this appointment through a diversity lens, so I was very appreciative of that and I hope that all the Ministers going forward do that in the future.

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

I want to echo the previous speaker's sentiments and also I want to extend thanks to the Jersey Heritage Trust themselves because the Minister also sent around to Members a copy of the advertisement. There is a section in there that reads: "We have a strong commitment to diversity on our board. We aim to ensure that the board of trustees is a diverse and balanced group of people in terms of gender, ethnicity, age, disability, experience, skills, track record, and attitude, and who all share a commitment to Jersey Heritage Trust and welcome applications that will achieve that aim." That statement is something that other trusts and other boards should take note of and it should almost be something that is standard that boards are looking for that type of diversity. They have achieved a lot of those elements, looking through the list that the Minister has sent us, and I did respond to the information that the Minister sent us and I asked for some additional information, which he said he is happy to look at in the future. So this is definitely progress, we are getting there, and I will support this one and, yes, I do thank the Minister and it is progress and I hope that other Ministers will take note of this and that we can continue to move forward. Indeed the Diversity Forum will be doing work in this area so Members can expect to see some materials coming from the Diversity Forum very soon to add some constructive ideas to this issue.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? Accordingly I invite the Minister to reply.

5.1.3 Senator L.J. Farnham:

Can I thank both Deputies sincerely for their words of support, which I will pass straight on to Jersey Heritage Trust, because they have demonstrated by their actions that they are making headway with the diversity agenda. Can I also thank officers for their support of the work that Deputy Tadier, the Assistant Minister with responsibility for the arts and culture, and myself do with Jersey Heritage

Trust. We have big challenges ahead given the current circumstances. I would also use this opportunity to reassure arts and culture organisations that they have the Government and will continue to have the Government's full support moving forward. With that I make the proposition and ask for the *appel*.

The Deputy Bailiff:

The *appel* has been called for. In a moment, the Greffier will add a vote into the chat channel of this meeting. He has done so and I ask Members to cast their vote. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

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

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

The final item is the in-committee debate requested by the Minister for the Environment to discuss priorities for the next Island Plan.

Deputy R. Labey of St. Helier:

I wonder if I could interject; it is the chairman of P.P.C.

The Deputy Bailiff:

Yes, Deputy Labey.

Deputy R. Labey:

There is a feeling, certainly the Minister for the Environment feels this way, and it is my inclination too that it would be better to start this in-committee debate afresh tomorrow morning. I have not had time to canvas Members but I thought I would put that to Members, a proposition that we adjourn now and resume tomorrow morning for the in-committee debate on the Island Plan.

The Deputy Bailiff:

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

Deputy K.F. Morel:

While I understand Deputy Labey's reluctance to continue today, the problem with tomorrow is that we have work and meetings already included for tomorrow, as it is not an ordinary States day. I, for instance, would hope to be grilling the Minister for External Relations tomorrow morning as part of a public hearing that I really do not wish to rearrange. But if we were to do an hour today and then finish off another 2 hours tomorrow I am sure we could fit it all in. So I do not think it is the most efficient use of our time to now take a break from this when we can get on with an hour's debate on the Island Plan today. We did this with regard to the economic in-committee debate that we had a few weeks ago and in fact that worked perfectly well. So, no, I would oppose this because it absolutely would cause problems with other work and scheduling that we have.

Connétable L. Norman of St. Clement:

Simply to support Deputy Morel's position, we have another hour tonight. Earlier the Minister said he wanted 3¾ hours, so we can do an hour tonight and just have 2¾ hours tomorrow. We will make much more efficient use of our time because, as the Deputy just said, we have all got a lot of commitments and work to do and that will help us. In fact I would be quite happy to go on for a couple of hours tonight if Members wanted to, but I do not suppose that will be very popular, but certainly we should continue until 5.30 p.m. at least.

Deputy J.M. Maçon:

Despite it being my birthday, I do not want to necessarily prolong the States sitting, but I see that the Minister for the Environment is down to speak next and I did want to hear from him. I wonder perhaps whether it would just be good to let the Minister for the Environment do his opening speech and that would give Members time to consider things overnight and perhaps to produce more conducive debate for tomorrow, but I just want to hear from the Minister for the Environment.

Deputy J.H. Young:

The reason why I put this forward to Deputy Labey is that this is a very big and complex subject before us and of course there are a lot of documents here, 28 Members attended the briefing, but the

running order that has been agreed with the Bailiff and the Greffier does run for 3 hours and of course there were some logistical issues as well. Obviously, I was planning to work with my officers in the States offices so they could capture all of the Members' opinions in full glory as we go and give me some guidance. But I am in the Members' hands; I think it would be better, myself, for fresh minds; better for me and easier for me and easier for the officers, but I am in Members' hands. This is a very, very big and important subject so I want to make sure that we get the best from this debate.

Deputy K.C. Lewis of St. Saviour :

I believe we have so much work on over the next few days, we really need to crack on, at least for another hour, possibly 2.

The Deputy Bailiff:

Does any other Member wish to speak? Do you wish to reply?

Deputy R. Labey:

Let us test the mood of the Assembly, I maintain that proposition. We have heard what Deputy Young has had to say, he would prefer to start fresh tomorrow morning, and so let us put that to the membership, so I propose the adjournment.

The Deputy Bailiff:

The adjournment is proposed. You will vote *pour* to adjourn and *contre* to carry on. In a moment there will be a vote placed in the chat 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.

POUR: 26		CONTRE: 20		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Senator S.W. Pallett		
Senator S.C. Ferguson		Connétable of St. Helier		
Senator J.A.N. Le Fondré		Connétable of St. Clement		
Senator T.A. Vallois		Connétable of St. Lawrence		
Senator S.Y. Mézec		Connétable of St. Saviour		
Connétable of St. Brelade		Connétable of St. Martin		
Connétable of Grouville		Deputy J.A. Martin (H)		
Connétable of Trinity		Deputy of Grouville		
Connétable of St. Peter		Deputy K.C. Lewis (S)		
Connétable of St. Mary		Deputy of St. Martin		
Connétable of St. Ouen		Deputy L.M.C. Doublet (S)		
Deputy M. Tadier (B)		Deputy of St. Mary		
Deputy M.R. Higgins (H)		Deputy G.J. Truscott (B)		
Deputy J.M. Maçon (S)		Deputy K.F. Morel (L)		
Deputy S.J. Pinel (C)		Deputy G.C.U. Guida (L)		
Deputy of St. Ouen		Deputy of St. Peter		
Deputy R. Labey (H)		Deputy M.R. Le Hegarat (H)		
Deputy S.M. Wickenden (H)		Deputy S.M. Ahier (H)		
Deputy J.H. Young (B)		Deputy R.J. Ward (H)		
Deputy L.B.E. Ash (C)				
Deputy of Trinity				
Deputy of St. John				
Deputy J.H. Perchard (S)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Accordingly, the Assembly will now adjourn. I remind Members that in in-committee debates, Standing Order 97 applies when we reach tomorrow morning, that means that, unlike in usual

debates, each Member can therefore speak more than once and there is no vote at the conclusion of discussions. In accordance with Standing Orders, it is for the Presiding Officer to determine when the debate should come to an end and, in view of the estimate given by the Minister of 3¼ hours, my view is that the debate should conclude at the end of tomorrow morning. Unless any Member has anything else to address the Assembly upon, I will adjourn this sitting of the Assembly until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[16:29]