

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 24th MARCH 2020

COMMUNICATIONS BY THE PRESIDING OFFICER.....	7
1.1 Housekeeping matters.....	7
1.2 Suspension of meeting.....	7
ADJOURNMENT	7
1.3 Welcome to His Excellency the Lieutenant Governor	7
1.4 Coronavirus measures taken.....	7
1.5 Dress code for hearing	8
QUESTIONS.....	8
2. Written Questions	8
2.1 Deputy K.F. Morel of St. Lawrence of the Minister of the Environment regarding the Climate Emergency Fund: (WQ.131/2020)	8
2.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the 5G network: (WQ. 133/2020)	9
2.3 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the measures being taken to address the current situation with Covid-19: (WQ.135/2020)..	10
2.4 Deputy S.M. Ahier of St. Helier to the Minister for the Environment regarding the quality of raw water in Jersey: (WQ.136/2020)	11
2.5 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the number of ventilators in the Island: (WQ.137/2020)	13
2.6 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the use of private sector health facilities during the Coronavirus emergency: (WQ: 138/2020)	14
2.7 Deputy M.R. Higgins of St. Helier of the Minister of Health and Social Services regarding the testing of Islanders for COVID-19: (WQ. 139/2020)	14
3. Oral Questions.....	15
3.1 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the plans in place to ensure the continued operation of the ports during the Coronavirus situation: (OQ.87/2020).....	15
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	15
3.1.1 Deputy I. Gardiner:.....	15
3.2 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the rate of testing for Coronavirus: (OQ.91/2020)	16

Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):	16
3.2.1 Deputy G.P. Southern:.....	16
3.2.2 Deputy L.M.C. Doublet of St. Saviour:	16
3.2.3 Deputy R.J. Ward of St. Helier:	17
3.2.4 Deputy R.J. Ward:	17
3.2.5 Deputy I. Gardiner:.....	17
3.2.6 Senator K.L. Moore:.....	18
3.2.7 Senator K.L. Moore:.....	18
3.2.8 Deputy G.P. Southern:.....	19
3.3 The Greffier of the States on behalf of Deputy K.F. Morel of St. Lawrence of the Minister for Social Security regarding measures to ensure that Islanders were not left without a home during the Coronavirus crisis: (OQ.85/2020).....	19
Deputy J.A. Martin of St. Helier (The Minister for Social Security):	19
3.3.1 Deputy J.H. Perchard of St. Saviour:	20
3.3.2 Deputy J.H. Perchard:	20
3.3.3 Deputy I. Gardiner:.....	20
3.3.4 Deputy G.P. Southern:.....	21
3.3.5 Deputy G.P. Southern:.....	21
3.3.6 Deputy L.M.C. Doublet:.....	21
3.3.7 Deputy L.M.C. Doublet:.....	21
3.4 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the impact on staff at the Hospital of the Coronavirus situation: (OQ.83/2020).....	22
The Deputy of St. Ouen (The Minister for Health and Social Services):.....	22
3.4.1 Deputy K.G. Pamplin:	22
3.4.2 Deputy L.M.C. Doublet:.....	22
3.4.3 Deputy R.J. Ward:	23
3.4.4 Deputy R.J. Ward:	23
3.4.5 Deputy G.P. Southern:.....	23
3.4.6 Deputy I. Gardiner:.....	23
3.4.7 Deputy K.G. Pamplin:	23
3.5 The Greffier of the States on behalf of Deputy M.R. Higgins of St. Helier of the Minister for Social Security regarding the feasibility of making cash payments to all adult Islanders during the Coronavirus pandemic: (OQ.89/2020).....	24
Deputy J.A. Martin (The Minister for Social Security):	24
3.5.1 Deputy J.H. Perchard:	24
3.5.2 Deputy J.H. Perchard:	24
3.5.3 Deputy G.P. Southern:.....	25
3.5.4 Deputy C.S. Alves of St. Helier:	25
3.5.5 Deputy C.S. Alves:	26
3.5.6 Deputy I. Gardiner:.....	26
3.5.7 Deputy I. Gardiner:.....	26
3.6 The Greffier of the States on behalf of Deputy M.R. Higgins of the Minister for Health and Social Services regarding the number of admissions to the Hospital of people with Covid-19: (OQ.90/2020)	27
The Deputy of St. Ouen (The Minister for Health and Social Services):.....	27
3.6.1 Deputy J.H. Perchard:	27
3.6.2 Deputy J.H. Perchard:	27
3.6.3 Deputy G.P. Southern:.....	28

3.7 Deputy K.G. Pamplin of the Chief Minister regarding communication between the Bailiwicks of Jersey and Guernsey during the Coronavirus emergency: (OQ.84/2020)	28
.....	
Senator J.A.N. Le Fondré (The Chief Minister):	28
3.7.1 Deputy K.G. Pamplin:	28
3.7.2 Deputy K.G. Pamplin:	28
3.8 The Greffier of the States on behalf of Deputy K.F. Morel of the Chief Minister regarding Government of Jersey employees who were resident in the United Kingdom, but who travelled to Jersey for work: (OQ.86/2020)	29
Senator J.A.N. Le Fondré (The Chief Minister):	29
3.9 Deputy I. Gardiner of the Minister for Home Affairs regarding measures to ensure self-isolation by those people who were required to do so: (OQ.88/2020)	29
Connétable L. Norman of St. Clement (The Minister for Home Affairs):	29
3.9.1 Deputy I. Gardiner:	30
3.9.2 Deputy L.M.C. Doublet:	30
3.9.3 Deputy I. Gardiner:	30
3.10 Deputy G.P. Southern of the Minister for Social Security regarding the prospective widening of the eligibility criteria for Income Support during the Coronavirus situation: (OQ.92/2020)	31
Deputy J.A. Martin (The Minister for Social Security):	31
3.10.1 Deputy G.P. Southern:	31
4. Questions to Ministers without notice - The Minister for Health and Social Services	32
4.1 Deputy R. Labey of St. Helier:	32
The Deputy of St. Ouen (The Minister for Health and Social Services):	32
4.1.1 Deputy R. Labey:	32
4.2 Connétable K. Shenton-Stone of St. Martin:	32
4.3 Deputy G.P. Southern:	32
4.3.1 Deputy G.P. Southern:	32
4.4 Deputy S.M. Ahier of St. Helier:	33
4.5 Deputy I. Gardiner:	34
4.5.1 Deputy I. Gardiner:	34
4.6 Deputy K.G. Pamplin:	34
4.6.1 Deputy K.G. Pamplin:	34
4.7 Deputy G.J. Truscott of St. Brelade:	35
5. Questions to Ministers without notice - The Chief Minister	35
5.1 Deputy J.M. Maçon of St. Saviour:	35
Senator J.A.N. Le Fondré (The Chief Minister):	35
5.2 Deputy G.P. Southern:	36
5.3 Deputy L.M.C. Doublet:	36
5.3.1 Deputy L.M.C. Doublet:	36
5.4 Deputy R.J. Ward:	36
5.4.1 Deputy R.J. Ward:	37
5.5 Deputy J.H. Perchard:	37
5.5.1 Deputy J.H. Perchard:	37
5.6 Deputy R. Labey:	38
5.6.1 Deputy R. Labey:	39
PUBLIC BUSINESS	39

6. Social Security Tribunal: appointment of members (P.2/2020).....	39
6.1 Deputy J.A. Martin (The Minister for Social Security):	39
6.1.1 Deputy L.M.C. Doublet:.....	39
6.1.2 Deputy J.A. Martin:.....	40
LUNCHEON ADJOURNMENT PROPOSED	40
LUNCHEON ADJOURNMENT	40
7. Income Support Medical Appeal Tribunal: appointment of members (P.3/2020)	40
7.1 Deputy J.A. Martin (The Minister for Social Security):	40
7.1.1 Deputy R.J. Ward:	41
7.1.2 Deputy J.A. Martin:.....	41
8. Social Security Medical Appeal Tribunal: appointment of member (P.4/2020)	42
8.1 Deputy J.A. Martin (The Minister for Social Security):	42
9. Social Security Medical Appeal Tribunal: reappointment of medical practitioner members (P.15/2020).....	42
9.1 Deputy J.A. Martin (The Minister for Social Security):	42
10. Income Support Medical Appeal Tribunal: appointment of lay member and reappointment of medical practitioner member (P.16/2020)	42
10.1 Deputy J.A. Martin (The Minister for Social Security):	43
11. Social Security Tribunal: appointment of Panel member (P.17/2020).....	43
11.1 Deputy J.A. Martin (The Minister for Social Security):	43
12. Draft Cremation (Suspension and Modification of Regulations - COVID-19) (Jersey) Regulations 202- (P.21/2020)	44
12.1 The Deputy of St. Ouen (The Minister for Health and Social Services):	44
12.1.1 Deputy K.G. Pamplin:	45
12.1.2 Deputy R.J. Ward:	46
12.1.3 The Deputy of St. Ouen:	46
12.2 The Deputy of St. Ouen:.....	47
12.3 The Deputy of St. Ouen:.....	47
12.3.1 Senator K.L. Moore:	48
12.3.2 The Deputy of St. Ouen:	48
13. Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations 202- (P.22/2020).....	48
13.1 The Connétable of St. Clement (The Minister for Home Affairs):	48
13.1.1 Deputy R.J. Ward:	49
13.1.2 The Connétable of St. Clement:.....	49
13.2 The Connétable of St. Clement:	49
14. Draft Marriage and Civil Status (Amendment of Law) (COVID-19 - Temporary Amendment) (Jersey) Regulations 202- (P.23/2020)	50
14.1 The Connétable of St. Clement (The Minister for Home Affairs):	50
15. Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202- (P.24/2020).....	51
15.1 The Connétable of St. Clement (The Minister for Home Affairs):	51
15.1.1 Deputy R.J. Ward:	51
15.1.2 The Connétable of St. Clement:.....	52

16. Draft Statutory Nuisances (Amendment) (Jersey) Regulations 202- (P.25/2020).....	52
16.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):.....	52
16.1.1 Connétable J.E. Le Maistre of Grouville:.....	52
16.1.2 Connétable R.A. Buchanan of St. Ouen:.....	53
16.1.3 Deputy G.C. Guida:.....	53
17. Draft Regulation of Care (Standards and Requirements) (COVID-19 - Temporary Amendments) (Jersey) Regulations 202- (P.26/2020)	54
17.1 Deputy G.C. Guida (Assistant Minister for the Environment - rapporteur):.....	54
17.1.1 Deputy K.G. Pamplin:.....	54
17.1.2 Senator S.W. Pallett:.....	55
17.1.3 Deputy R.J. Ward:.....	55
17.1.4 Senator I.J. Gorst:.....	56
17.1.5 Senator S.Y. Mézec:.....	57
17.1.6 Mr. M.H. Temple Q.C., H.M. Attorney General:.....	57
17.1.7 Deputy G.C. Guida:.....	57
18. Draft Regulation of Care (Amendment of Law) (COVID-19 – Temporary Amendment) (Jersey) Regulations 202- (P.27/2020)	58
18.1 Deputy G.C. Guida (Assistant Minister for the Environment - rapporteur):.....	59
18.1.1 Deputy R.J. Ward:.....	59
18.1.2 Deputy C.F. Labey of Grouville:.....	60
18.1.3 Senator S.W. Pallett:.....	60
18.1.4 The Deputy of St. Ouen:.....	60
18.1.5 Deputy K.G. Pamplin:.....	61
18.1.6 Deputy M. Tadier of St. Brelade:.....	61
The Attorney General:.....	61
18.1.7 Deputy G.C. Guida:.....	62
18.2 Deputy G.C. Guida:.....	63
18.3 Deputy G.C. Guida:.....	63
18.3.1 Deputy R.J. Ward:.....	63
18.3.2 Deputy K.G. Pamplin:.....	64
18.3.3 Deputy G.C. Guida:.....	64
19. Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- (P.28/2020) ..	65
19.1 Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):.....	65
19.1.1 Senator L.J. Farnham:.....	67
19.1.2 Deputy L.M.C. Doublet:.....	67
The Attorney General:.....	68
19.1.3 Deputy D. Johnson of St. Mary:.....	69
19.1.4 Senator K.L. Moore:.....	69
19.1.5 Deputy J.H. Perchard:.....	70
19.1.6 Deputy G.J. Truscott:.....	71
19.1.7 The Deputy Greffier of the States (<i>rapporteur</i>):.....	72
19.1.8 Deputy R.J. Ward:.....	72
19.1.9 Connétable A.S. Crowcroft of St. Helier:.....	72
19.1.10 Senator I.J. Gorst:.....	73
19.1.11 Deputy K.G. Pamplin:.....	75
19.1.12 Deputy G.P. Southern:.....	76
19.1.13 Deputy S.J. Pinel:.....	76

19.2 Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- (P.28/2020): amendment (P.28/2020 Amd.)	78
19.2.1 Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):.....	78
19.3 Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- (P.28/2020) - as amended	78
19.3.1 The Deputy of Grouville:.....	79
19.3.2 Deputy S.J. Pinel:.....	79
19.4 Deputy S.J. Pinel:	79
19.4.1 Deputy R.J. Ward:	79
19.4.2 Deputy S.J. Pinel:.....	80
ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	81
20. Deputy R. Labey (Chair, Privileges and Procedures Committee):.....	81
ADJOURNMENT	82

[9:23]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Housekeeping matters

Before moving on to the Order Paper, there are some matters of housekeeping, which are outside of the Order Paper. Firstly, Members should know that the toilets are to the left of the Assembly and the smoking area is to the right on the west bastion. If there is a fire alarm, please remain seated until it is confirmed it to be genuine. There are occasionally problems with the fire alarm and then when told to do so we make our way to the area outside the main Assembly. If Members are wishing to speak they will need to come up to the podium provided and there will be microphones available to them to speak, otherwise people will not be able to be heard. I am asked, although I am sure I do not need to say it, not to forget for everyone to use the hand sanitisers where available and to wash their hands.

1.2 Suspension of meeting

Before we go on with business I have been asked by the Chief Minister to suspend this meeting for a very short period to enable information to be provided to this Assembly, which may affect the conduct of business conducted at this meeting. In this vast changing circumstance and situation, in my judgment that is the correct course to undertake and I am exercising my power under Standing Order 46 and am forthwith suspending this meeting for one hour. We will reconvene at 10.45 a.m. for the continuation of the business of the Assembly.

[9:31]

ADJOURNMENT

[10:35]

The Bailiff:

If I could remind Members, if you have to make an interjection, I know it is inconvenient, but it will need to be done with the microphone, because we will not have a record of it otherwise.

Senator L.J. Farnham:

Before we get into the business, I would just like to inform Members that I would like to withdraw P.18 and we will present it at a later date.

The Bailiff:

Which one is P.18?

Senator L.J. Farnham:

That is the appointment of Jersey Heritage Trust.

1.3 Welcome to His Excellency the Lieutenant Governor

The Bailiff:

We now move on to the Order Paper proper. On behalf of Members I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning in the normal way. **[Approbation]**

1.4 Coronavirus measures taken

Also, under A, it seems to me that I should make on this, what is an historic occasion, a few remarks. There will be a photograph by a member of the press simply to mark the fact that we have never sat in this way before. For this is the first time that the Assembly has sat in the Gloucester Hall and although we have, over the years, held meetings in different places other than the States Chamber for

different reasons, never have we done so in order to play our part in combatting the spread of a virus, which is affecting the lives of our people and all around the world in a way that is unparalleled in living memory. On the last sitting, it was an extraordinary sitting, Members voted unanimously almost to adopt the Amendment to Standing Orders which enables us to sit for regular business other than in the Assembly and to adopt a number of other measures that allows participation by Members to take place without their physical presence. This accords with the necessity in some cases for self-isolation, while still permitting Members to play a role. The fact that we are in the Gloucester Hall enables us to maintain the principles of social distancing for so long as that lasts. Although we are maintaining our distance from each other in a physical sense, from my perspective as Presiding Officer, I know that the Assembly is aligned in its desire to achieve an end which is to see the Island through this difficult time. All Members, whether Ministers, Assistant Ministers, members of Scrutiny, or otherwise, seem to me to be going the extra mile to enable the important and urgent business of Government and the Assembly, providing a legislative framework to deal with the current situation and carrying out proper scrutiny to continue. We must, of course, all pull together and maintain that united commitment. All of us here can understand how uncertain, worrying, sometimes lonely and frightening a time this is for our people. Particularly those who are vulnerable. These are very challenging circumstances for individuals, businesses and other organisations. But, as difficult as these times are and as even more difficult as they may in short order become, it is palpable that the people of Jersey, both in this Assembly and all over our Island, are stepping up to the mark, are working together, are volunteering through the Parishes or otherwise to help and support those who are worst affected by the measures that have necessarily been put in place and will be put in place. None of us are unaffected, all of our lives have changed and where we shall all be at the end of this crisis we cannot know for certain. However, I think that there is every possibility that we, as an Island, already so deeply aligned with the spirit of voluntary service and care of our people, will emerge as a stronger, more cohesive community even than we are now. We are all in this together and we will all come through this by supporting each other. We have not faced a challenge like this before. We know, however, that we are a strong and a resilient people. We know that we are capable of making sacrifices for the greater good and that good requires us all to follow the guidance given by the experts and by Government to constrain the spread of the virus. That is the best thing that each of us can do, look after those of us who are vulnerable and to create an environment in which our emergency and care services, our general practitioners and others are not overwhelmed. I would like, on behalf of us here, to thank those services and all who have volunteered and who are working to make this time a little lighter and a little better. **[Approbation]** We can have the confidence, looking back into our history, to know that this too shall pass. Whether it takes 3 months, 6 months or longer, life will return to a normal rhythm and pace if we all play our part in helping that to happen and this sitting of the Assembly in this format and in this place is but one example of that. Thank you. **[Approbation]**

1.5 Dress code for hearing

Also, as an announcement from the Chair, the Chair will take no exception if people need to wear woollen hats, scarves, gloves, overcoats. Provided the huskies are kept outside, I think we can continue with the business as normal.

QUESTIONS

2. Written Questions

2.1 Deputy K.F. Morel of St. Lawrence of the Minister of the Environment regarding the Climate Emergency Fund: (WQ.131/2020)

Question

How much had been raised as of 29th February 2020 for the Climate Emergency Fund through the extra 4 pence per litre levied on fuel duty; and where have those funds been spent?

Answer

The setting up of the Climate Emergency Fund was agreed in the Government plan in December 2019¹. The terms of reference for the Fund are set out in the interim response to the climate emergency which was agreed by the Assembly in July 2019².

Whilst the fund is not yet fully established or constituted, Treasury have allocated a 'budget' of £2m which will be credited to the fund. This represents the forecast from raise from fuel duty in 2020. I have requested the figures from our customs colleagues for the fuel duty raised to date and this is set out below.

- The total excise duty paid on fuel in January and February 2020 is broken down into fuel types to reflect the different duty rates.
- Amount of duty paid @ £50.55 per hectolitre or £0.5055 per litre = £4,350,966 divided by £0.5055 = total litres 8,607,253 @ 4p per litre = £344,290
- Amount of duty paid @ £52.42 per hectolitre or £0.5242 per litre = £19,889 divided by £0.5242 = total litres 37,942 @ 4p per litre = £1,517.67
- Total to climate fund £345,808

The government plan allocated funds from the climate emergency fund to for expenditure in 2020 as set out in CSP5-1-1³. These projects are now being delivered as part of government business as usual. Any further expenditure from the Climate Emergency Fund will be agreed through the usual government plan process or through specific amendments agreed by this Assembly as set out in the agreed terms of reference. The carbon neutral strategy was agreed by this Assembly in February 2020 and set out the process for developing the long-term climate action plan which the climate emergency fund will be used to resource. In light of the impact of COVID-19, we are revising the timeline for the people-powered programme. I will, of course, keep the Assembly updated on this issue, but recognise that the current situation and protection of public health is the priority for all of us at the current time.

2.2 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the 5G network: (WQ. 133/2020)

Question

Given that the United Kingdom Government has proposed to limit participation by Huawei in the 5G network to 35%, will the Minister (as shareholder representative) state how it is anticipated this proposal will affect JT and the policy to be adopted in respect of the telecommunications industry in the Island?

Answer

The Government of Jersey takes matters of security extremely seriously and has been in discussions with the UK Government and the National Cyber Security Centre (NCSC) about this and other telecoms cyber security matters for some time.

Specifically in relation to JT there is no Huawei equipment planned for their 5G network. For other telecoms providers, discussions are ongoing between relevant Government policy officials from the

¹[https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Government%20Plan %202020-23%20VB.pdf](https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Government%20Plan%202020-23%20VB.pdf)

²

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

³ https://statesassembly.gov.je/assemblyreports/2019/r.91-2019.pdf?_ga=2.248462151.1198721505.1584350253837255368.1583764310

Chief Minister's Department, the companies and the NCSC to understand how they will align themselves to our requirements when they are finalised.

2.3 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the measures being taken to address the current situation with Covid-19: (WQ.135/2020)

Question

In respect of measures to be taken to address the current situation with Covid-19, will the Minister advise –

- (a) how many respirators are available for use in Jersey and what is considered the optimal number in the current circumstances;
- (b) whether any training of staff in the use of such respirators has been undertaken;
- (c) whether the current available supplies of oxygen are considered sufficient for anticipated demand;
- (d) how many ventilators are available for use in Jersey and what is considered the optimal number in the current circumstances, based on expected demand;
- (e) whether any consideration has been given to using hotel accommodation as an overflow for the Hospital;
- (f) whether operations which are not considered to be 'life or death' will be postponed; and
- (g) whether it is planned to use surgery areas as supplementary intensive care areas?

Answer

- (a) how many respirators are available for use in Jersey and what is considered the optimal number in the current circumstances;
In normal circumstances, the critical care service has the capability of ventilating 7 patients. With our contingency planning, the critical care service has capability to ventilate up to 24 patients. This will be achieved as routine non-urgent surgery will be stopped to release anaesthetic machines to support the needs of the critical care service. As part of our Covid-19 preparations, additional clinical training and procurement of more ventilators is currently being undertaken, but this is set against the current challenge of global demand for this specialised equipment. (Note: Ventilators and respirators are being treated as one and the same on the basis of advice from medical staff.)
- (b) whether any training of staff in the use of such respirators has been undertaken;
Please see answer to a) above
- (c) whether the current available supplies of oxygen are considered sufficient for anticipated demand;
The General Hospital has 3 PSA (oxygen) units which extract oxygen from the air and provide 450l/min to the piped circuit within the General Hospital. This is also supplemented with oxygen cylinders, which increases our capacity to approximately 600l/m. Evidentially, patient demand in relation to this supply will be a key factor. HCS is seeking to procure more cylinders from the UK distributors, but Department of Health & Social Care (DHSC) restrictions along with requests from other hospitals means they are difficult to obtain. As a further measure to support our oxygen contingency HCS has 70 on-site, and has procured a further 100, patient-specific oxygen concentrators that can deliver 4l/m. HCS is continuing to seek the support of the DHSC in obtaining further oxygen supplies.
- (d) how many ventilators are available for use in Jersey and what is considered the optimal number in the current circumstances, based on expected demand;

The number of ventilators is covered in a). In relation to expected demand, this is a very difficult permutation to determine. HCS's strategy is to flatten the wave by a contain and delay approach, which should hopefully have the desired effect of smoothing out the number of critically ill as well as the number of acutely ill patients requiring hospitalisation over a longer period of time. Such an approach will optimise HCS's ability to meet demand.

- (e) whether any consideration has been given to using hotel accommodation as an overflow for the Hospital;

As part of its planning, HCS has finalised its optimal bed capacity. In relation to expanding bed capacity further, HCS is currently reviewing on-Island options.

- (f) whether operations which are not considered to be 'life or death' will be postponed; and
HCS has established a control and command structure of Gold (Executives), Silver (Senior Officers) and Bronze (Officers). Meetings are convened daily where the Hospital's activity and bed capacity is reviewed. It is part of the HCS Covid Readiness Plan to de-escalate clinical activity in a planned manner to ensure HCS maintains sufficient capacity and resource to support the management of Covid patients. On Friday, HCS announced that with immediate effect it was postponing all nonurgent outpatient appointments, operations and procedures for all patients for the next four weeks.

- (g) whether it is planned to use surgery areas as supplementary intensive care areas?

Whilst HCS will maintain an emergency surgical service, some operating theatres and the recovery suite will be designated temporary areas for delivering critical care.

2.4 Deputy S.M. Ahier of St. Helier to the Minister for the Environment regarding the quality of raw water in Jersey: (WQ.136/2020)

Question

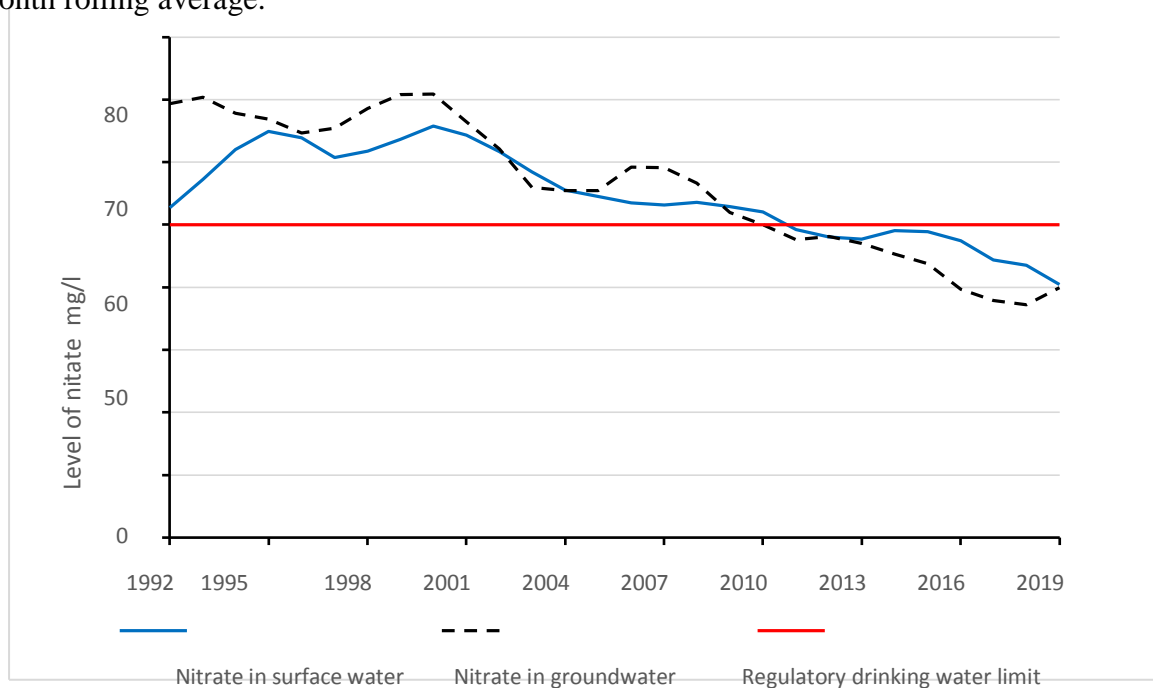
Will the Minister advise the Assembly of the current raw water quality in Jersey, including the levels to be found of nitrates and pesticides, as well as those of Oxadixyl, Azoxystrobin, Glyphosate, Metobromuron and Ethoprophos; and will he also advise how often testing of raw water quality is carried out?

Answer

The annual average levels of nitrate in the Island's surface and groundwater has reduced since 2000 (Fig. 1). Average nitrate levels as at 31 December 2020 were 38 and 40 mg/l respectively. Almost two fifths of all samples taken from surface water streams exceed the regulatory drinking water limit of 50 mg/l. The public water supply, however, remains safe and compliant due to management safeguards undertaken by Jersey Water (that includes the blending of separate sources to achieve required standards). Although levels in groundwater are reducing, approximately half of the 3200 private water supplies (groundwater boreholes and wells) in the island still exceed the recommended 50 mg/l drinking water limit¹.

¹ Hence the importance of the advice to the owners and users of private water supplies public issued by Environmental Health
<https://www.gov.je/SiteCollectionDocuments/Environment%20and%20greener%20living/ID%20Private%20Water%20Supplies%20-%202020190702%20CLeM.pdf>

Fig. 1 Annual nitrate (mg/l) levels in surface streams and groundwater compared with the local and EU drinking water limit (50 mg/l). The data is up to 31 Dec. 2019 and is displayed as a three month rolling average.



The number, maximum and average level of detections of the required active ingredients are given in the Table 1. These active ingredients are primarily used by the agricultural sector, although glyphosate is also used by the public.

Active ingredient	Watertype	Number of detections	Average detection level (µg/l)	Maximum detection level (µg/l)
Azoxystrobin	Groundwater	2	0.25	0.25
Glyphosate	Groundwater	5	0.18	0.27
Azoxystrobin	Surface water	5	0.26	0.64
Ethoprophos	Surface water	20	0.89	5.92
Glyphosate	Surface water	44	0.56	5.00
Metobromuron	Surface water	31	0.21	1.70
Oxadixyl	Surface water	65	0.18	0.33

Table 1 The number, maximum and average levels of certain active ingredients detected in ground and surface water in Jersey during 2019²

Historically, Environmental Protection have utilised data collected by Jersey Water to monitor pesticide levels in surface water streams and reservoirs. The sampling utilises quarterly pesticide import figures from the Island merchants to ensure that all imported (and used) pesticides are captured in the monitoring.

During 2019, Jersey Water changed their sampling methodology to be a more risk based approach. Sampling of the raw water streams ceased and sampling concentrated on raw water abstraction points and water treatment points taken each week. The benefit for the water company is that a broader suite of pesticides are covered and that a quicker laboratory turn-around is

achieved. This means that the company can react more quickly to emerging issues in order to keep the public water supply safe. If higher levels are recorded in the abstraction points, then more detailed sampling of streams to 'chase out' the cause will be undertaken. The saving generated by Jersey Water in their change in monitoring regime has been reallocated towards other water quality initiatives including a catchment based project this year. Environmental Protection have no legal powers to force the Water Company to monitor raw waters in the way they have previously done it, only on the treated water side.

This change means that the data set of stream sampling cannot be used. Environmental Protection are therefore unable to react as before; particularly in keeping the farmers updated on the number of detections so that they could change behaviours through the Action for Cleaner Water Group. A Government Plan funding bid will be requested to restore this monitoring, as well as to fund other elements of the Island Water Plan delivery.

Environmental Protection monitor surface water quality (including nitrates) at eight sites every month across the Island (one in each water management area WMA). Each quarter, over 200 parameters, which have been identified either Europe wide or by Nation as being hazardous or harmful to the environment (including pesticides), are also analysed.

Environmental Protection monitors groundwater quality (including nitrates) currently at up to 47 sites around the island during May and November each year. At eight sites (one in each water management area WMA) additional water samples are collected, which are sent to NLS and analysed for the same parameters as for surface water³.

Nitrates and pesticides are key pressures identified in the report 'Challenges to the water environment of Jersey' which are being addressed by the 'Water Management Plan 2017-2021'⁴. They are therefore the focus of actions undertaken by partnership working in the Action for Cleaner water Group⁵.

² These represent levels above the detection limits of laboratories and are not breaches of drinking water or environmental limits.

³ The total cost of both surface and groundwater monitoring by Environmental Protection is £18k per year. In 2019, some sampling rounds (a portion of the £18k) had to be cancelled due to budget pressures.

⁴ <https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=2147>

⁵ Members include GHE Officers and representatives from Jersey Water, agricultural industry (potato and diary) and pesticide merchants.

2.5 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the number of ventilators in the Island: (WQ.137/2020)

Question

Will the Minister advise Members –

- (a) how many ventilators are there in the public sector in the Island and, if he has access to this information, how many are there in the private health sectors;
- (b) how many of any such ventilators are fully serviceable;
- (c) how many such ventilators are on order, if any; how the size of any such order was determined and what the expected delivery date is; and
- (d) how many staff are trained in their use?

Answer

- (a) how many ventilators are there in the public sector in the Island and, if he has access to this information, how many are there in the private health sectors;

In normal circumstances, the critical care service has the capability of ventilating 7 patients. With our contingency planning, the critical care service has capability to ventilate up to 24 patients.

- (b) how many of any such ventilators are fully serviceable;
24 within HCS

(c) how many such ventilators are on order, if any; how the size of any such order was determined and what the expected delivery date is; and

HCS is currently attempting to procure a further 12 ventilators from our suppliers. These will act as an additional resource should they be required and should a ventilator experience a technical problem. HCS was anticipating delivery within two weeks for the majority of the ventilators. However, this is subject to change given the unprecedented global demand for this specialised equipment and the fact that management of these scarce resources is now being centralised through the Department for Health & Social Care in the UK.

(d) how many staff are trained in their use?

The 50 (f-t-e) staff in the critical care unit are trained in their use and following the cancellation of non-urgent operations, HCS is upskilling theatre and ward-based staff to add to the number available.

2.6 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the use of private sector health facilities during the Coronavirus emergency: (WQ: 138/2020)

Question

What steps, if any, has the Minister taken to bring under public control, or direction, all private sector health beds, equipment and (if deemed necessary) staff to assist with the current Coronavirus emergency; and what plans does he have to take such steps?

Answer

Given a state of emergency has not been declared, the Minister is not in a position to bring the elements listed under his control. However, HCS is working closely and successfully with partner agencies to secure additional beds and accommodation. HCS has identified a number of beds and is in the process of working with providers to secure additional accommodation. HCS, in partnership with CLS, is also working with the hospitality sector to identify capacity for vulnerable groups who may need to self-isolate, and for HCS staff. HCS is in regular contact with key partners including residential and nursing home providers, homecare providers and the Jersey Care Federation.

2.7 Deputy M.R. Higgins of St. Helier of the Minister of Health and Social Services regarding the testing of Islanders for COVID-19: (WQ. 139/2020)

Question

Will the Minister advise members how many people have been tested in the Island for COVID-19 each week from the date of the first test; what steps are being made to bring testing for COVID-19 into the Island; and when he expects the General Hospital to be able to conduct its own tests?

Answer

The number of people who have been tested is changing daily. The latest figures can be found here:

<https://www.gov.je/Health/Coronavirus/Pages/CoronavirusCases.aspx>

The latest figures when this answer was submitted were as follows:

Weekly	Result			
Date	Negative	Positive	Awaiting Result	Total Samples Sent
03/02/2020 or (blank)				
03/02/2020 - 09/02/2020	5			5
10/02/2020 - 16/02/2020	7			7
17/02/2020 - 23/02/2020	5			5
24/02/2020 - 01/03/2020	26			26
02/03/2020 - 08/03/2020	50	1		51
09/03/2020 - 15/03/2020	143	5	1	149
16/03/2020 - 22/03/2020	169	10	65	244
Total Samples Sent	405	16	66	487

HCS is keen to conduct its own testing here as soon as possible and is actively pursuing a range of options. HCS has placed an order for testing kits which will be compatible with the technology already in place in our laboratory. We hope to see this order fulfilled in the next 2 to 4 weeks

3. Oral Questions

The Bailiff:

Could I just notify Members that if anyone has any supplemental questions if they could indicate their desire to ask them by raising the red card that you have and I and the Greffier will keep as hawk an eye out as possible so that we can see those and call upon people in turn, in the normal way?

3.1 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the plans in place to ensure the continued operation of the ports during the Coronavirus situation: (OQ.87/2020)

Will the Minister advise what plans are in place to ensure that the ports that serve Jersey will continue to operate to allow the maintenance of supplies to the Island during the current coronavirus situation?

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

The Government of Jersey and Ports of Jersey have been working closely alongside key stakeholders over the past few weeks to ensure that our gateway remains open, safe and secure to be able to handle lifeline freight. Officers are also in daily contact with the Department for Transport in the U.K. (United Kingdom) to monitor the situation with U.K. air and sea ports. These key stakeholders include Condor, the freight logistic companies, the stevedores, and Ports of Jersey's own internal teams. Several proactive early measures were taken with Condor to ensure mitigations were put in place to bolster resilience of the freight service they operate and these include conventional ferries to operate as freight only to reduce exposure of the crew to the virus.

[10:45]

Arrangements made for stand by tonnage, minimum manning on some vessels to hold crew in reserve. The freight logistic companies and stevedores have shared their continuity plans and are members of the dedicated COVID-19 information cell, chaired by Ports of Jersey. This group is looking at ways these plans can dovetail to provide greater resilience. Ports of Jersey have implemented their own contingency plan to ensure essential services, such as pilotage, towage and coastguard, remain uninterrupted and I would like to thank all parties for their continued and dedicated service ensuring that we have excellent resilience in our supply lines in this challenging time.

3.1.1 Deputy I. Gardiner:

If we will have a shortage and the ports will be shut in the U.K. would we have planned boats ready to go and pick up prearranged supplies if it will happen? Do we have a contract with a prearranged supplier that will ensure we get our produce and medicine supplied if needed in an emergency?

Senator L.J. Farnham:

There is no anticipation that U.K. ports will be shut in relation to the supply of essential freight to the Channel Islands.

3.2 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the rate of testing for Coronavirus: (OQ.91/2020)

Will the Minister authorise a significant increase in the rate of testing for coronavirus in the Island along the lines of the World Health Organization recommendations, in order to limit the spread of the virus; and if not, why not?

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

As I have said in my response to the Written Question today from Deputy Higgins, my Department is keen to conduct its own testing here as soon as possible and we are actively pursuing a range of options to do this. We placed an order for testing kits, which will be compatible with the technology already in place in our laboratory and we hope to see this order fulfilled in the next 2 to 4 weeks. The number of tests that can be processed from Jersey is limited, but this has been guaranteed and assured by colleagues from Public Health England and the Ministry of Justice. We need to recognise that testing labs in the U.K. are under great pressure at this time. But testing is a key element of our strategy, as we have heard this morning from Dr. Muscat and we will continue to escalate testing as we work to contain the virus through social distancing, self-isolation and contact tracing. This will help to delay the impact of COVID-19 on our healthcare system and shield our community from the worst-case scenario. Who to test is ultimately a clinical decision and I support the criteria recommended by Dr. Muscat.

3.2.1 Deputy G.P. Southern:

Can the Minister inform us what role contact tracing plays in our overall response?

The Deputy of St. Ouen:

The effort has to be to try and ensure that the virus is not spread. If we know that there is a confirmed case, it makes good sense to go to those with whom the person has had the most contact and test those people. Then to advise them, if they are positive, to self-isolate.

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

I just wanted to press the Minister on that timeframe, because it was slightly different to what we heard in the previous meeting. Is it one to 2 weeks that the testing kit will be on the Island, or is it 2 to 4 weeks? If the Minister is not certain, how likely is it that it will be towards the longer end of the scale of 4 weeks and how likely is it that it will be one week? Once it is here, is the testing kit immediately usable, or is there another wait then until it is able to be used?

The Deputy of St. Ouen:

Answering the latter question first. My understanding is it is going to be immediately usable, because it is compatible with equipment that we have here in our path lab. As to the time period, I would love to have a date. The answer I have been given here, after seeking that information, was the next 2 to 4 weeks. I know Dr. Muscat is speaking to people every day about trying to get this equipment in. So we are constantly monitoring it. But what has happened in the U.K. is that the N.H.S. (National Health Service) has gone to a situation where it is controlling all supplies in the country. It is a planned strategy and it is, for obvious reasons, therefore distributing supplies around the country in a logical way and in a planned way. We are in that supply chain, rest assured and our needs are fully

understood. But I am afraid, at the moment, I do not have a specific date to give but I know officers and doctors are on this; all over.

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

Given that there is obviously going to be a delay with testing, we have heard about testing and when it can be unsuccessful and give false results, would the Minister consider a change in the message that is going to tell the members of the public and all of us that if we act as if we believe we are carrying the virus at the early stages then social distancing will be much more successful in halting this virus? Would that message not be a useful one to go while we are waiting for more testing?

The Deputy of St. Ouen:

Yes, I entirely take the Deputy's point. It may well be useful. I would like to discuss that messaging with Dr. Muscat, but I think that is the whole purpose of us social distancing, is it not? It is not just to protect ourselves from somebody 2 metres away who may have the virus. It is recognising that we ourselves may be carrying the virus. So we are protecting our loved ones and those you have to come in contact with by keeping that social distancing. I am with the Deputy. I understand that and I will examine how better we can put that out there.

3.2.4 Deputy R.J. Ward:

Can the Minister please get the message across very clearly about the way the testing works? If you do not have the virus in your throat, you cannot test for it in your throat. I think people are getting the wrong picture of how the test works. Can I ask him please to get that message across as well in terms of some accuracy about testing? What we need now are facts and detail. That is the key point I think that is worrying a lot of people.

The Deputy of St. Ouen:

Yes, I will endeavour to do all of that, Deputy. I acknowledge that communication needs to be ramped up, improved, but at the same time, our Comms (Communications) Unit has been working round the clock. This has been an emergency that we have never faced. I do believe there is a lot of information out there, which is good information, but I do understand people's confusion sometimes, fears, doubts and the assurances they need and we want to give them that and we will just endeavour to ramp up our efforts.

3.2.5 Deputy I. Gardiner:

I would like to follow up with the Minister regarding contact tracing. First of all, would the Minister reconfirm that we have robust contact tracing in place and everybody who is within contact with a confirmed coronavirus case have been tested and they are self-isolated for the next 7 to 14 days? I would like to have a clarity for how many days they are self-isolating. Would the Minister consider to have more transparency and basically to tell to the public some of the data, such as how many have been contacted from the community, who arrived on which flight, to have this contact tracing understanding that people can take the actions saying: "I have been there, I would rather to self-isolate." I do not think it will be panicking, in my respect. So would the Minister give me these 2 answers? Thank you.

The Deputy of St. Ouen:

Exactly who gets tested as a contact is something that is determined clinically by Dr. Muscat's team. I want to leave it to them to determine what is the best use of the limited access we have to testing and the swabs that we use. So, when the Deputy asks does everybody who has had contact with an infected person get tested; I do not think the answer is everybody. I think there is a triage system that is put in place to test those who might be most at risk of passing on the virus. But, yes, I anticipate that we will be able to say for the time being how many cases we think have come into the Island as a result of travel and how many cases may have been transmitted locally without any travel history. I think, at present, that is 2, I understand, in that latter category. But as time goes on of course, when

we have more and more cases arising, it is going to be impossible to determine whether that has come in from outside the Island, because there will be so much transmission within the Island. As to providing statistics to the Islanders; yes, we do want to communicate the model as much as we can, but Members will have seen it is technical, it is scientific, it does need to be carefully interpreted with an understanding. So we must try and get that understanding out there so it might ... how that is done I do not know. It is about careful communication, is it not? Not just putting out the sort of charts you have seen today and expecting people to interpret them on their own. So it has to be done carefully. But I think what we can all do is to get behind the hard work that is being undertaken by the public health team and telling people that we are not responding from our guts, we are responding to scientific modelling and that we have experts working for us who are trying to safeguard and protect this Island and we can trust the work that they are doing. We must also get that message across and I would urge all Members to help with that.

3.2.6 Senator K.L. Moore:

In answer to a previous question about testing, the Minister said it may be a matter of weeks before more testing kits can be in the Island yet just yesterday an offer was made to the Minister from a group of individuals who have worked out a way of bringing equipment into the Island by the weekend, I do believe. Yet nobody has responded yet to that individual. When will the Minister be responding and taking a more proactive stance in these matters?

The Deputy of St. Ouen:

It is amazing how many people are contacting me, contacting States Members, contacting the Department with offers of help, with suggestions, with all sorts of ideas, they really have been flooding in and that is wonderful as a community to see and it is great to see people getting engaged and that spirit of goodwill. All of these offers are being heavily assessed.

[11:00]

They have to be, Senator, because we need to know that this will work. We need to know that they are available. So, the one puzzlement in my mind is that if we know that there are huge demands on equipment in the N.H.S., in Europe, around the world, the people who are saying to us: "I can get this to you tomorrow, I can get whatever you need tomorrow" well, how are they doing that? We have to understand how they are doing that. We have got to work out if this is real. But I do believe many of the offers out there are genuinely made and may well be feasible and we are examining them rapidly. I can assure Members we will take up any that appear to be feasible. We know there is private testing being done also. Because of the triaging, we are not in a position where we need to access private testing and private clinics; if that is an issue also.

3.2.7 Senator K.L. Moore:

It is understood that staff and your team, Minister, are really busy and we appreciate that and we are grateful to them for their hard work. Yet, communication is key, reassurance is key and an issue such as this, P.P.E. (personal protective equipment), the protective equipment is vital to keep your health service going. So what level and how are you prioritising your actions in terms of redeploying staff who are available from dental surgeries, for example and getting them into the hospital, so that they can provide that backup and support that your medical teams need?

The Deputy of St. Ouen:

The hospital has been completely reorganised into different streams, into a COVID stream and into a non-COVID stream, because, of course, people with urgent health issues will continue to come into the hospital. Staff are being redeployed and being retrained. It takes time of course to retrain staff. We have also spoken with professionals across the healthcare sector - which I trust and I have no reason to believe does not include the dentists - and there has been good communication with all those healthcare professionals. They stand ready to help us in differing ways and to carry out different types of work. This is all being brought together.

3.2.8 Deputy G.P. Southern:

I just want to ask how critical the 2 to 4 week window for getting testing on the ground in Jersey, how critical that period is and what happens if that turns out to be 6 weeks rather than 4? Does that seriously affect our response?

The Deputy of St. Ouen:

Dr. Muscat is clear, he wants the testing to be done locally. He could get more tests done. He would be able to get a better feel for the spread within the Island. So it is important to get this testing kit here. But we have a means to access testing at the moment. I am not going to say it is critical. We are not in a critical situation. But we want to be and we are doing all we can to be in the situation where we can test locally.

Deputy G.P. Southern:

Through the Chair, if I may, part of the Minister's response was to mention the responses to Written Questions. They are supposed to have been circulated. I have not seen the responses to Written Questions. Could someone tell me where they are?

The Bailiff:

I will ask the Greffier to establish whether they have been provided. I believe mine have been provided, but it could be that it has not been circulated to all Members. We now come to question 3. Deputy Morel is marked *excusé* and, in the circumstances, I will ask the Greffier to read the question, the Minister will answer it and other Members can seek supplementals as usual. That enables the maximum amount of information to be provided to Members of the Assembly and indeed to the public more generally.

3.3 The Greffier of the States on behalf of Deputy K.F. Morel of St. Lawrence of the Minister for Social Security regarding measures to ensure that Islanders were not left without a home during the Coronavirus crisis: (OQ.85/2020)

Given the likelihood that many families and individuals will find themselves struggling to pay their rent over the coming months, what measures is the Minister taking to ensure that no Islanders are left without a home during the coronavirus crisis?

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

I have 3 very similar questions and I know that Deputy Higgins is not here either. Government high level, we have 4 main issues. That is to keep people healthy on the Island, a roof over their heads, make sure they get food and supplies and then that will save lives. We are working with the Landlords' Association, the Minister for Children and Housing, the courts. There will be no evictions over the next 3 months. **[Approbation]** The courts are not sitting. A letter from your landlord is not an eviction and if the press want to put a media statement out there, do that now. Rent will be covered as usual if you are on income support. I just want to extend this slightly. People are telling me that I am not answering enough questions. I have got teams; teams were moved to get a one page income support form to be filled in, so that people do get money. Are we acting quick enough? Can all of you remember what you were doing New Year's Eve? That was the first report from the World Health Organisation of coronavirus. Then everyone packed up and took this disease home with them. People kept telling me we are at war. You cannot see this enemy. People brought it home, they popped it in their suitcase, in the planes and they took it right into their front doors and into their families. Now testing will not stop it. I do not get it. We want to keep our families safe and I am doing this; it is high level. Health is the main importance, roof over the head, food, medicine and, as the doctor said, we need to tell the community that we can get these things to them. They have to know. I am surprised Deputy Ward had to ask. I treat everyone I meet as possibly they have got it and members of my family, because that is absolutely the right message. Do not think you are safe.

The Bailiff:

Minister, if I could just ask you to bring that particular answer to a close. I am sure there will be other questions.

Deputy J.A. Martin:

I say to States Members, yes, we are ... I have got staff under pressure and I am trying to be pulled across, I am trying to get other States Members, when the people ring you try to reassure them. Tell them the only way to keep this at bay. I do it. I have a picture of my family, small family and I think of them every day, because if I do not do the right things, I might lose one of them. I can only process it like that and ask the rest of the Island to do it. But big stuff, keep you healthy, keep you in your home, make sure you are fed and make sure you get medicines.

The Bailiff:

Minister, I have to stop you. The question is about the payment of rent and the steps that are being taken and we have gone a wide way beyond that. I know Members want to ask questions.

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

Could the Minister clarify something that she said in her response just now regarding evictions? She stated that no evictions would occur over the next 3 months. Was she referring specifically to evictions from States-owned housing companies and, if not, was she suggesting that if individuals do not pay rent to private landlords that they will not be evicted?

Deputy J.A. Martin:

Myself and the Minister for Children and Housing are working closely with landlords and the courts are not sitting. The only way to process an eviction is through the Petty Debts Court. People may still receive a letter saying: "This is a letter of eviction." The message we are getting out there, there is also I think some urgent legislation coming through the ... the Minister for Children and Housing is not here. We are all doing so much, I cannot keep up with everything that everyone else is doing, but these measures are powers ... no. I am asking people not even to send the letter. People are worried out there, so we have got that. Banks are writing to people with mortgages to give them a holiday, so, yes, that is what I am saying. There will be no evictions.

3.3.2 Deputy J.H. Perchard:

Again, just for the purposes of really making it clear: if an individual cannot pay their rent due to a knock-on effect of the coronavirus, for example they may have been laid off because the restaurant they worked at is shut down, what measures are in place from Social Security to support them, so that they are able to either pay their rent, or be excused from paying their rent?

Deputy J.A. Martin:

It depends on which different schemes. But what I am saying is we have made a plea to everybody, if your tenant cannot pay the rent, legally you cannot evict them, but morally would you put someone out on the streets of Jersey when the coronavirus is around? Would you do it? Would any landlord here do it? Because you have got to keep them healthy. So we are appealing to landlords. When that person, hopefully they may even work for you, they might be living in your accommodation, when, or if, we get back to work the rent will be paid. We are trying a massive package ... there is money. We are into the Rainy Day Fund. We are trying to support with money as much as we can.

3.3.3 Deputy I. Gardiner:

Would the Minister advise if we are going to implement legislation on a dual state as a guidance? For example, what consideration will be given to bring in a temporary rent cap via legislation to ensure at least minimum income for some owners, landlords, that need to pay mortgages and a smaller number paid out to ensure a roof kept over somebody's head? Legislation via guidance.

Deputy J.A. Martin:

There is some legislation, extra power is coming, but again if you are renting a house out that you have got a mortgage on, I am told the banks are contacting everybody to give the mortgage owner a 3-month holiday. Not saying that is the answer. These are things, what I am saying. I am having constant public ... States Members want answers yesterday and it is 12 weeks since the first case of coronavirus on New Year's Eve came out from the World Health Organization. It is worldwide. Everybody wants an answer yesterday. We are not moving quick enough. Two weeks ago the most important thing in this Assembly, I think, was a day on buses and that is what it was then. We are getting the answers. Big policy things, I cannot pull the officers off who are working 24/7 and they are going to fall over. I have got staff, I have moved a load of staff, the income support form will look like this. It is one side of A4. You can do it online. No bank statements. It has got to be quick and we have got to get the money to people. That could be your rent. If we are giving you money to pay rent, you will be paying rent. The majority of people come through our offices anyway. Landlords will get the direct rent.

3.3.4 Deputy G.P. Southern:

Could the Minister clarify what measures she has in place, or under consideration, to ensure that anyone who is laid off tomorrow, without a wage coming into the household, will have their rent covered?

Deputy J.A. Martin:

As I just said, we are working on a form. It is a side of A4. That will give the people, once it is filled in, very few checks, bank account, we will pay in advance probably. Sometimes again, it might be too much. I would rather people get too much and too quickly. Again, if it is somewhere where we can pay the rent to the landlord we will. I do not know how much more I can say. I have got people working on this now. They have been working on it for the last 2 weeks since coronavirus hit Jersey.

3.3.5 Deputy G.P. Southern:

Can the Minister at least outline whether the measures she envisages putting in place will cover those who have not been on the Island for 5 years, for example?

Deputy J.A. Martin:

We want to make sure that the people, who have not been on the Island for 5 years, have a roof over their head and they have money. We have not decided yet what support system they will be on. That is as honest as I can be.

[11:15]

3.3.6 Deputy L.M.C. Doublet:

The Minister mentioned the recommendation that landlords not be chasing rent at this time. Is the intention that any rent that is not paid during the crisis, would that be due at a later date? Or is the Minister recommending that landlords write off rent for this period?

Deputy J.A. Martin:

I did not say they should not chase the rent. I am saying that if the rent is not paid we have powers, or there will not be evictions. If they have got some money to pay rent they will pay the rent. What we cannot see at this time is tents popping up in the parks, people living homeless, that is pretty normal in some of the cities in the U.K.

3.3.7 Deputy L.M.C. Doublet:

So rents that cannot be paid now, because of the crisis, will those rents be due at a later date, or will they be written off?

Deputy J.A. Martin:

I have no idea what the economy ... what anything will look like in 6 weeks, 3 months' time. I really do not have that answer. But obviously people will want paying. We are trying to keep people in work. There are so many schemes being brought together and people will be needed and they should pay their rent if they have got the money. I am saying: do not evict them.

3.4 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the impact on staff at the Hospital of the Coronavirus situation: (OQ.83/2020)

I am very glad I put on my thermals this morning. Sorry for that image, everybody. Will the Minister explain how it is planned to mitigate the impact on staff at the hospital, both in terms of their workload and their well-being, in the event that they have to deal with a large volume of cases requiring critical care during the current coronavirus situation?

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

I thank the Deputy for his question because first of all I want to thank, from the bottom of my heart, the hospital staff who are presently working above and beyond [**Approbation**] to save Islanders' lives. From the very beginning of this crisis, we recognised that the strain on our staffing was going to be considerable and we needed to do all we could to safeguard their well-being and mental health. So many initiatives have been taken to build up the well-being of staff at the hospital. A strategy and a plan has been developed and is being distributed to staff this week. Already, posters which are headed "Self-care during COVID-19. It's OK not to be OK" are being distributed across the hospital. It relays the message and it reminds and reassures staff that, for example, they should make time to unwind. They should consider their own care and well-being and seek out ways to manage their psychological well-being. To assist the staff in that we have resource. We have 150 mental health first aiders, we have a trauma management team, we have counsellors and clinical psychologists. But we have also created a well-being area for critical care staff, we are setting up a helpline for staff, fruit and water are being placed in the ward areas for them. We are seeing if we can extend the provision of hot meals later into the day for them. We are identifying nursery provisions, recognising the anxiety that some may have over school closures. Those are among a number of measures.

3.4.1 Deputy K.G. Pamplin:

I thank the Minister for his answer and also the Minister himself for supporting our Scrutiny Panel and being available to us answering many questions, as this is, of course, a health emergency; so I thank the Minister. I also thank him for what he has just said in terms of mental health. He is speaking my language and that is going to be very reassuring. To help also mitigate the impact on our staff at the General Hospital, how will this extend to our primary care front line in bringing together our entire health and social care providers on this Island, so they equally can support each other and through some of the initiatives you have just outlined?

The Deputy of St. Ouen:

It will extend to our primary care colleagues working with us and all across the healthcare sector in the Island. Because what I see and no doubt later in questions without notice it may come around as a topic, that the arrangements are now being put in place with the primary care providers who are going to be part of the combined effort within the healthcare system to provide care in this crisis.

3.4.2 Deputy L.M.C. Doublet:

Has the Minister considered asking for volunteers from the university cohorts returning to the Island, which might help with assisting the medical response and lightening the load?

The Deputy of St. Ouen:

I will consider that. It may well have been considered within the Department. I will find out and liaise with the Deputy. I will also discuss that with the Minister for Education how we can access those.

3.4.3 Deputy R.J. Ward:

Will the Minister, as a matter of urgency, consider as one assistance for healthcare workers to remove parking charges for them, particularly when they are working all hours under the sun and if they are in self-isolation? Indeed, for anyone in self-isolation. So, we take one small worry away; receiving a parking ticket at this time when they are working I think would be a slap in the face. It is completely unnecessary.

The Deputy of St. Ouen:

I can understand the Deputy's point. I have a note here that has been provided for me that we are looking at parking arrangements, so I do not know if that is removing charges. I hope so. We recognise that there are a lot of people who are not filling the car parks, so it could be that Patriotic Street would have a floor or more reserved for them, I hope free of charge. I will speak about that with the Minister for Infrastructure.

3.4.4 Deputy R.J. Ward:

Could the Minister make it very simple; give every healthcare worker a simple card they put in their window and parking attendants realise that is a healthcare worker? It is simply that and tape it on the car. It is so simple.

The Deputy of St. Ouen:

Yes, that would seem a simple answer and I hope it can be implemented that simply.

3.4.5 Deputy G.P. Southern:

What consideration has the Minister given to reducing to zero the charge made by G.P.s (general practitioners) for consultations with those suffering from coronavirus?

The Deputy of St. Ouen:

That has been discussed. That is what I would wish to happen. That has been part of the proposal discussed with the G.P.s and we have had a good response from the G.P.s, so for those people who may be suffering, may have contracted the virus, who may be at risk with underlying conditions, the proposal is - and I cannot say this is yet cast in stone and firmly agreed - that no charge would be made to them if they need to call on primary care.

Deputy G.P. Southern:

That gives me an answer.

3.4.6 Deputy I. Gardiner:

Just as elective surgery procedures and G.P. visits are down in the numbers, some of the essential employees have now less workload; not the front line medical staff, for example, who work in the labs. So can the Minister advise if they have been considering to do the rota and keep the people who are not essential now in the reserve that might be essential in the future?

The Deputy of St. Ouen:

Yes, I can assure the Deputy that staff who have worked in elective surgery, the non-urgent roles, in fact all staff are being repurposed to address this issue. There is additional training going on for staff, so that they can do a different job, in many instances, to address the pressures that we know could well build up in the hospital. There is good planning around this.

3.4.7 Deputy K.G. Pamplin:

Does the Minister also agree with me that this window that we have in flattening the curve is also the opportunity to ensure that our healthcare and social care providers can have the proper kit and proper resources in place, as we are seeing across the United Kingdom and as we are seeing across the world, to protect our front line to make sure they have the P.P.E. and also the facilities and the support in place is also critical of why this window is so important? Yes, as Dr. Muscat has explained, but equally we have got to make sure that our healthcare and front line staff have what they need. If there is a risk that they do not have that need, that measures will be taken so we can do something to self-isolate, or whatever the suggestions will come about, to give our healthcare the time to get what they need. Because we have one hospital, one healthcare system, one shot at this; does the Minister agree?

The Deputy of St. Ouen:

I do agree. Kit is available and more is on order. I have no reason to believe that healthcare staff will be placed in danger as a result of a lack of kit.

3.5 The Greffier of the States on behalf of Deputy M.R. Higgins of St. Helier of the Minister for Social Security regarding the feasibility of making cash payments to all adult Islanders during the Coronavirus pandemic: (OQ.89/2020)

Will the Minister advise Members whether she will make a cash payment to all adults, possibly on a monthly basis, as a form of universal benefit, so that no member of the public goes without during the current pandemic and so that businesses can continue to operate and workers to be employed?

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

The universal benefit scheme for every adult would be untargeted and would cost the taxpayer an enormous amount of money. The Government is not considering a universal monthly payment. There are many targeted schemes. One to keep employers in work, income support, the work we are doing on trying to keep people in their houses, but universal payment to every adult on the Island, when some on the Island are still extremely rich, is not going to be considered by this Government.

3.5.1 Deputy J.H. Perchard:

Given what the Minister has just said, will the Government be considering a targeted monthly payment to those who have lost their income as a result of the coronavirus?

Deputy J.A. Martin:

I am upset that the Deputy has not got the message of the work that is being done on the payroll to keep people in employment. Income support: I have had to now reassure old age pensioners that the pensions is paid; it is coming in. It is going to go in their bank account. Am I misunderstanding the Deputy's question, because there is so much being done? Unfortunately, if we are missing getting it to the Deputy something is wrong.

3.5.2 Deputy J.H. Perchard:

The reason why these questions are continuing to be asked is because backbenchers are consistently being told by businesses that employers are having to lay off staff and staff are not able to support themselves, because they have lost their income and not getting any benefit from the Government. So the question still stands. What is being done to ensure that people who have lost their incomes are not eventually going to be homeless, because they cannot afford to pay for their rent, or for their food, or for their families? If there is a fantastic scheme in place and money has gone into the hands of those people then will the Minister endeavour to share it with us by some means today?

[11:30]

Deputy J.A. Martin:

I can share with the Deputy everything. My comment was not a comment that we know and you do not know and maybe you have missed something. It was if we do not all in this Assembly and the Island work together, we have got no chance of beating this. Everything we are getting out, the payroll, income support is there, the new forms, everything is moving and I have 50 emails every 20 minutes to try and answer questions. I cannot pull officers off when they are doing the high level. If we need to communicate better with everybody I would accept that, but there are schemes. They are not completely finished. Officers need to know they will work for the industry. It has been announced as long as you can keep your people in work we were going to meet £200 and that would bring about a payment of about £320. Some think that is enough and some think that is not. Then there is income support. Then there are people on pensions. Sick pay, we have waived ... if you have only been here 3 months and you are sick, contributions; I have put that out there. That was a question 2 weeks ago. Phone up, we will not stop your sick pay. You will be seen in the hospital if you have not been here for 6 months. There is so much going on. What we keep trying to get out there in the main is how to stay safe. All the schemes, we need to find a way to filter in firstly for the Assembly Members who are going to have these conversations. You know your constituents best. You need to keep them calm and you need to explain. If they are not reading it in comms (communications) and they are not getting ... some people do not buy the *J.E.P. (Jersey Evening Post)* now, some listen to this and they have just missed the news. So if I can do anything to work and get better with backbenchers I look forward, I really mean that, for your suggestions.

3.5.3 Deputy G.P. Southern:

For those who lose their jobs tomorrow, when can they expect to go into Social Security and be able to claim under income support, or another scheme, to make sure that they can hold their families together?

Deputy J.A. Martin:

I said we are designing the scheme, sorry not the scheme, the form, so it is so quick. You do not have to go in. Please do not go in. There is an online form and the number is 444444. It is falling over. We have pulled the whole of the officers across. We are teaching them as we speak and we want to get money out to people. The money is there. I think we have had a rough 200 and something on Friday and another 200 ... we are up to 410 in 2 days. These need to be processed and we want the money out to them.

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

The Minister has mentioned that obviously the evictions will not be processed and has mentioned income support and so on. I have had constituents, who were lining up to do seasonal work in the next couple of weeks, who do not have contracts in place because a lot of them were done verbally and contracts would only be given to them after starting work and who also do not have 5 years residency, so would not qualify under the income support scheme. My question to the Minister is: is part of the schemes that the Minister is looking at, will that cover individuals like the ones I have just described? Also, there is the issue of utility bills. It is not just rent that is costing people but also utility bills.

Deputy J.A. Martin:

As I said, the schemes that are already in place, we are trying to make them simpler but the people under 5 years, we are trying to make sure, as I say, keep a roof over their head, we keep them fed and people are ... I think there is some great work being done from the Polish consulate. They have chartered a plane. People are desperate to go home to be with their families and we try in any way we can and probably will do it for other nationals. It is a long piece of work. I have been asked can I pay some of their fares for some, as the Deputy says, have not even started work, they have no money. So we are wanting to keep ... get people who want to leave if they can and it is so hard at the moment. All countries are different. Then we have to make sure we are keeping the people who have been working in the staff accommodation, or the lodging house, we have to keep them fed and

there has to be a buy-in from everyone in this. It is 3 months. We are going to keep assessing it. I, and the rest of the Council [of Ministers], do not want anyone on the streets, or without food, or medicine. That is our pledge.

3.5.5 Deputy C.S. Alves:

I think some of the other Members were trying to get at this. I have also heard from constituents who have put in income support claims recently that have been told that it is taking up to 6 weeks. I think that is the point that the other Members were trying to make. If somebody has no money right now, how long are they looking at for their form to be processed and to get some money?

Deputy J.A. Martin:

I have been in touch with my officers who ... that is what it cannot be. I think you are talking universal credit in the U.K. We pay in advance and, as I said, there is ... we are not asking people to come in with their bank statements, or anything like that.

Deputy C.S. Alves:

Can I just clarify ...

Deputy J.A. Martin:

I will check that, but I would like the Deputy to speak to me after, because we need to check that it will not go ...

Deputy C.S. Alves:

Because it is new claims, it is not claims that are already ...

Deputy J.A. Martin:

No, as I say, no new ... massive claims have come in since Friday. Sorry. Friday, 200. We are up to 410 claims. so that was yesterday. I have not got the number today, so my officers are saying process them quick, we have the means, bank account, that is all we need. Do not need to come in. The form is online, the money will be there. So, at the moment, if you get a bit more it does not matter. Things can calm down. There will not be people waiting 6 weeks.

3.5.6 Deputy I. Gardiner:

First of all, to follow Deputy Alves, I would like to let the Minister know there are other claims that have been told to me yesterday personally that it will take to process 6 weeks. So, would the Minister look into this with me as well as with Deputy Alves? Second, at the last sitting the Minister indicated that all people under 5 years residency if they will lose a job they will get support. Yesterday, people called to the helpline and they have been told they are not getting support because they are under 5 years. Can the Minister state clearly what the situation with under 5 years residency is on the Island and when it will be in writing?

Deputy J.A. Martin:

The support I said that we would waive last time in the Assembly was for contributions and if someone was sick they would be entitled to their £222 a week. Whether they are here 3 months they have not paid 6 months' worth of contributions, that was the question I had and that is what I said. As I have said, the income support scheme is for over 5 years. We are looking at that now and people are ... as I said, we will try and if they want to leave the Island they can get off the Island. We need to help them as much as we can with the scheme that keeps them in their accommodation and food.

3.5.7 Deputy I. Gardiner:

It is clear that now anybody who is under 5 years and lost their job because of coronavirus during the last week or so or going to lose a job, what current support, if they do not have job, if they do not have money to buy their food and to pay for their accommodation, they need to do?

Deputy J.A. Martin:

We are hoping that they will not lose their job, because their employer will keep them on.

Deputy I. Gardiner:

They have lost.

Deputy J.A. Martin:

If they are self-isolating, that they think they are sick, they are entitled to sick money. I know the Deputy wants me to tell her an answer and I am telling her the answer. We are working on this one. That is all I can tell her.

3.6 The Greffier of the States on behalf of Deputy M.R. Higgins of the Minister for Health and Social Services regarding the number of admissions to the Hospital of people with Covid-19: (OQ.90/2020)

Will the Minister advise Members how many people have been admitted to hospital to date with COVID-19 and what the estimates are for future such admissions on the basis of the models being used by the Government?

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

As of yesterday, 2 people have been admitted to hospital with a confirmed diagnosis of COVID-19. Members will be aware from the daily release of figures that we do await a number of test results. As to estimates for the future of such admissions, I refer Members to the advice and briefings we have received from Dr. Muscat that, without mitigation, we can expect that a maximum of 50 per cent of our population could show symptoms of the virus. That is the realistic worst case scenario. Of those in that scenario, around 4 per cent could require hospital care over a 10 week infection period. If we simply say we have a population of 100,000 - I know that it is more - that would be around 2,000 people. Of those, a quarter, that is 25 per cent of the 2,000, may need intensive care. In that scenario we know the available hospital capacity would be overwhelmed but, as I have said, that is the worst-case scenario on a realistic basis and without effective mitigation. That just highlights the importance of the measures that we want to implement and that we are asking and pleading with the population to implement: social distancing, be careful where you gather, wash your hands thoroughly, all of those. Only in that way will we stand a good chance of bringing demand and hospital capacity together so that we can save people's lives.

3.6.1 Deputy J.H. Perchard:

Are there any people who have been admitted to hospital on suspicion of having the virus who are awaiting test results? In the Minister's answer he stressed about the confirmed cases.

The Deputy of St. Ouen:

Yes, there could be and that will always be the case, because we know there is a lag now because of the need to send tests away to the U.K. So I do not know whether some patients in hospital, who may have been tested have COVID or not, so that is why I was careful to say that, but we must not speculate.

3.6.2 Deputy J.H. Perchard:

I do not wish to cause any unnecessary speculation. It is more just about the process. If a person is awaiting a test result and they happen to also be in hospital, what processes and procedures surround that person to ensure that any risk of infection is minimised while test results are being waited on?

The Deputy of St. Ouen:

Yes, that is a good question. All those coming into hospital are immediately assessed and those who may be assessed as suspected COVID are placed in a certain ward. There is a ward that is ready to take suspected cases. There is another ward in which confirmed cases are placed and those wards are entirely separate from the non-COVID stream of work within the hospital.

3.6.3 Deputy G.P. Southern:

Could the Minister inform Members whether we have identified any local transmissions via contact with foreigners, for want of a better word?

The Deputy of St. Ouen:

Yes, Deputy, there appear to have been. Of the tests that have come back as positive, it appears that there have been 2 cases of local transmission.

3.7 Deputy K.G. Pamplin of the Chief Minister regarding communication between the Bailiwicks of Jersey and Guernsey during the Coronavirus emergency: (OQ.84/2020)

Will the Chief Minister explain how, if at all, the Bailiwicks of Jersey and Guernsey are helping and supporting each other during the current coronavirus situation and what level of communication is being maintained between the Islands' Governments?

[11:45]

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

The Bailiwicks are working closely together in our planning to manage the impact of coronavirus. Our Deputy Chief Medical Officer has regular calls with his counterparts in Guernsey and the U.K. Over the last week we have undertaken a number of joint calls with the U.K. Government, Ministers and officers and that was around some of the testing regime and we have collaborated in respect of the recently announced package of economic relief measures. I am confident that we will continue to work together as the situation evolves and to support one another in the days and weeks ahead, and that is what I said to the Chief Minister of Guernsey this morning when I spoke to him.

3.7.1 Deputy K.G. Pamplin:

Can the Chief Minister explain the lines of communication between both Chief Ministers when the Islands are making big decisions in terms of their response to coronavirus to notify the other Bailiwick of their decision making? What we have seen is the Islands are working slightly differently in their responses and obviously, being so close together, it is having an impact on communication to our Islanders.

Senator J.A.N. Le Fondré:

We have spoken about that today and we are going to be keeping each other informed of the announcements as they come through. As I said, at the officer level, the Deputy Chief Medical Officer of Health has been having either daily or every day conversations with his counterpart in Guernsey. I think the point about where we are between the 2 Islands is that both Islands are basically following the same strategy. That is what we are working to, but it is applied to the Islands and do not forget each Island is structurally different. We do have different sized populations. It depends where we all are as the virus spreads through the population, the measures we take. So, each Island is working to the same principles. The timing might sometimes just vary slightly according to where we all are in the profile as applied to the Island. I think that is really important to remember.

The Bailiff:

I can offer you a final supplementary, Deputy, if you want one.

3.7.2 Deputy K.G. Pamplin:

Thank you, Sir, always. In December, the Island signed a memorandum of understanding of working together, which was agreed and signed between both Governments, as we know. One of them was: "Working in partnership, sharing skills and knowledge and resources." Can the Chief Minister... Maybe this is one also for the Minister for Health and Social Services? If the Island is needing to share equipment and staff and resources to transfer patients or medical staff across, because we are so geographically close to each other, have those conversations been had as part of that memorandum of agreement of working together that was signed between the 2 Island Governments in December?

Senator J.A.N. Le Fondré:

I specifically cannot comment on staff, because I think that will depend on all the issues around the individual Islands, but I do know, for example, when we have been looking at supply lines, when we have been looking at testing regimes, there have been discussions, there has already been some co-operation and those discussions always come through. They are always specific to the issues specific to each Island and how we are dealing with them. I just re-emphasise the point again - and it is the same for Guernsey and for Jersey - that this has come to this level in the last 14 days, so obviously business as usual has not necessarily flowed as well as one might like, because we are all individually and as Islands dealing with the crisis that each Island is facing. But we are talking to each other and where we can work together we absolutely will.

3.8 The Greffier of the States on behalf of Deputy K.F. Morel of the Chief Minister regarding Government of Jersey employees who were resident in the United Kingdom, but who travelled to Jersey for work: (OQ.86/2020)

Will the Chief Minister state what assessment, if any, has been undertaken of any risks arising from Government workers, who continue to travel between their homes in the U.K. and their workplaces in Jersey? Will he state when, if at all, any such workers will be required to choose whether to stay in Jersey to work, or to remain in the U.K. for the duration of the coronavirus crisis?

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

The status of workers coming from the U.K. has been kept under continuous review and assessed against the advice being received by the Medical Officer for Health. As part of business continuity arrangements, a Government-wide assessment has been undertaken, which resulted in a recommendation accepted by the Emergency Council to suspend all non-essential business travel. We have identified all such travellers. Guidance was provided to Departments about what constituted non-essential travel, along with those considered essential workers who would be permitted to travel. We are in the process of reassessing that position in light of advice that there will be a likely requirement, as we are now seeing, of social distancing and possible further restrictions on travel to and from the U.K. So, depending where we are, we will be requiring workers to remain in either the U.K. or Jersey once restrictions remain in place. I will stop there. I am sure there will be some questions.

3.9 Deputy I. Gardiner of the Minister for Home Affairs regarding measures to ensure self-isolation by those people who were required to do so: (OQ.88/2020)

Will the Minister advise what actions have been taken, or are being considered, within his portfolio to ensure that people who need to self-isolate following Government advice in fact do so during the current coronavirus situation?

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

The situation we find ourselves in is principally a public health issue and the response, I have to say, is being ably led by the Minister for Health and Social Services and his team, both medical and administrative and I pay tribute to them all. The Minister for Health and Social Services will lodge,

probably tomorrow, legislation that will make it an offence for people to refuse to submit to a COVID-19 test and/or refuse to self-isolate if required to do so. It is anticipated that the legislation will be ready for consideration by the Assembly on Friday.

3.9.1 Deputy I. Gardiner:

Would the Minister support lockdown and what preparations have been made to enforce lockdown?

The Connétable of St. Clement:

I am not talking about lockdown. I am talking self-isolation.

Deputy I. Gardiner:

I will rephrase it. How will the Minister prepare to enforce self-isolation?

The Connétable of St. Clement:

Under the legislation, which, as I say, will be lodged tomorrow, the police, or other officials appointed by the Minister, will have the power to require these people to self-isolate and even with the ability to use reasonable force if necessary.

3.9.2 Deputy L.M.C. Doublet:

I am assuming that the Minister is talking about people who should self-isolate, if they are showing symptoms and if they themselves might have had a chance of having caught the disease. But are there any plans to put any powers in place to encourage people to self-isolate for their own protection, who maybe have medical conditions, pre-existing conditions and perhaps have chosen not to understand the severity of the situation and are not isolating themselves, but have had no risk of catching it? Does that make sense?

The Connétable of St. Clement:

People of a certain age and people who have underlying health conditions have been advised to self-isolate. It would be quite wrong, in my opinion, to require those people to be forced to self-isolate at this stage, because it is for their own protection. The ones that we are talking about in the legislation, or the Minister for Health and Social Services will be speaking about in legislation, are those who are required to self-isolate to protect others.

3.9.3 Deputy I. Gardiner:

How will police enforce legislation from today from the Minister for the Environment for reducing gatherings under the Statutory Nuisances (Jersey) Law?

The Connétable of St. Clement?

Under the Statutory Nuisances (Jersey) Law?

Deputy I. Gardiner:

Yes.

The Bailiff:

Is that not a matter for the Minister for the Environment? I think the Statutory Nuisances (Jersey) Law is not for the Minister for Home Affairs. He does not have statutory responsibility.

Deputy I. Gardiner:

OK. May I ask a different supplementary?

The Bailiff:

Well, if it is a supplementary directed to the Minister, yes.

Deputy I. Gardiner:

Yes, it is. Would it be within the remit of the Minister to introduce daily checks by phone to mandatory self-isolation people and police checks at the location if there is no answer?

The Connétable of St. Clement:

The legislation will be lodged tomorrow. Police and other people appointed by the Minister will have the right to force people to self-isolate if they do not do so when required and that is important. Those powers will exist once the legislation is approved on Friday, hopefully if the legislation is approved on Friday.

3.10 Deputy G.P. Southern of the Minister for Social Security regarding the prospective widening of the eligibility criteria for Income Support during the Coronavirus situation: (OQ.92/2020)

Will the Minister agree to widen the eligibility criteria for income support in order to alleviate any hardship caused by the response to the coronavirus and the anticipated reduction in income for many families in the short and long term and, in particular, to prevent any threat of evictions caused by rent arrears; and if not, why not?

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

I apologise to the Assembly in advance if I repeat, because we have had 3 questions and it is absolutely right that I repeat. The challenge of coronavirus is one that we can only deal with as an Island working all together. Our existing income support system helps Islanders with rent costs and will continue to do so. Costs may rise significantly in the next few months and you have heard 200 and [then another] 200 people, so that is in 2 days. New Government support is being designed to help workers and businesses cope with significant restrictions on economic activity and further details of the wage subsidy scheme will be announced later this week. The courts have announced that no eviction proceedings will be approved during this time. Statutory protection for tenants against evictions is also being actively considered, to ensure that nobody is put at risk of losing their home as a result of the coronavirus. Businesses have already played their part and will continue to do so. Banks have agreed to provide mortgage holidays as needed and letting agents have confirmed they understand there will be some disruption in rent.

The Bailiff:

Just pause, Deputy. I just want to make sure that we are quorate. It is quite difficult to conduct a count. Yes.

3.10.1 Deputy G.P. Southern:

Could the Minister inform Members what eligibility criteria have been changed, if any, for qualification for income support?

Deputy J.A. Martin:

Deputy Southern is well versed in the very long form that we have at the moment and, as I say, it is a form that can be done on one side of A4: name? where did you work? Tick, and we can process. I think it may need a phone call to know that it is a person and not a computer and then we want to get the money out there.

Deputy G.P. Southern:

The Minister still has not answered the question, which is: what eligibility criteria have been widened, or changed, in order to produce this 2 sided A4 form?

Deputy J.A. Martin:

I am sorry if I did not understand. Eligibility is the same. What we will be asking for is speed, which is completely different.

The Bailiff:

That ends Oral Questions with notice. We now come to Questions for Ministers without notice. As, hopefully, Members have been informed, the first question period will not be to the Minister for External Relations, but will rather be to the Minister for Health and Social Services.

4. Questions to Ministers without notice - The Minister for Health and Social Services**4.1 Deputy R. Labey of St. Helier:**

Can I thank the Minister for, at the last minute, agreeing to do these questions without notice? I think it was important and we are grateful. The matter I raised with the Minister over the weekend about a member of the essential nursing staff requiring rehousing, because of the return of their flatmate and they were sharing facilities has been sorted successfully today. Is that an indication that nursing staff, who need rehousing, are going to get that?

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

I understand that there is a facility, I think a hotel premises, that is being made available to nursing or other health staff.

[12:00]

4.1.1 Deputy R. Labey:

One of the downsides for this correspondent of mine is that now, having to move, he has got parking issues with his car in St. Helier. I know this is not the Minister's portfolio, but I wonder if he would have a word with his colleague to see if there could be some way in which the nursing staff do not have to pay for parking.

The Deputy of St. Ouen:

Yes, I undertake to do that.

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

Could the Minister for Health and Social Services please inform Members what health protection and guidance is being given to cleaning staff in the hospital, as they are very vital at this time?

The Deputy of St. Ouen:

The answer to that, Connétable, is I am afraid I do not know that detail, but I am confident that they are part of the valuable team we have and those issues are being addressed among all staff. I will endeavour to get back to the Connétable with details of that specific guidance for cleaning staff.

The Connétable of St. Martin:

Thank you very much.

4.3 Deputy G.P. Southern:

Could the Minister inform Members whether progress as normal is being made on the Jersey Care Model, given that our hospital project, which is intrinsically linked with the Jersey Care Model, is said to be going ahead as normal?

The Deputy of St. Ouen:

Yes, the plan is that we will try to deliver as planned because, as the Deputy says, this is a key part of the hospital project. However, we face the challenge, as throughout the public service and the whole Island, of people now working from home. But, yes, Deputy, that is important work and I want it to continue.

4.3.1 Deputy G.P. Southern:

Could the Minister explain how progress can be being made, given that the move to address medical issues in the community, for example, requires groups to meet in various hubs around the Island, which can no longer meet? Therefore, progress must be delayed in some way, surely.

The Deputy of St. Ouen:

The health planners do not necessarily need to get together in a room to do this work, it seems to me.

Deputy G.P. Southern:

Members of the public do if they want to go to a hub and receive some treatment.

The Bailiff:

Sorry, Deputy, this is not an exchange between the Minister and the questioner.

Deputy G.P. Southern:

He was answering the wrong question.

The Bailiff:

You have asked the question and the Minister was in the process of answering it, so let us let the Minister answer the question.

The Deputy of St. Ouen:

I think the Deputy may be referring to what we would like to do as part of the health model, that we want people to work in community settings and our patients to come together in community settings. COVID-19 will pass. Well, I sincerely hope it is going to. This is a pandemic. Pandemics go through the world; immunity is built up; we will receive a vaccine in due course. We will come out of this and I hope we will be able to deliver the health model. The Deputy seems astounded. I do not see why the health model should be permanently affected by everybody on a permanent basis having to self-isolate, but I am happy to take a supplementary question.

The Bailiff:

I think the Deputy has already asked a supplementary.

Deputy G.P. Southern:

I do not think I am allowed one, Sir.

The Bailiff:

No, I think you have already asked a supplementary, but you will have a chance to come round again when ...

Deputy G.P. Southern:

However, the Minister knows he has targets.

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

I understand that currently 24 patients can be ventilated at the hospital. Written Question 137 states that the Minister is attempting to procure a further 12 ventilators. He has just accepted that in a worst case scenario 2,000 people will need hospital care. Can the Minister explain how 36 ventilators will possibly be enough?

The Deputy of St. Ouen:

First of all, not everybody coming into the hospital for COVID related illness will require care in the critical care unit, or will require a ventilator. But, as I have said, it is the case that in the worst case scenario the hospital would be overwhelmed and that is absolutely why the Island needs to adopt the mitigation measures. Again, I plead with Islanders and States Members to put out the message to

help us ensure that Islanders adopt the mitigation, so that we can flatten the curve and delay this rate of infection and ensure that hospital capacity is sufficient to treat all our patients.

4.5 Deputy I. Gardiner:

How is the Minister for Health and Social Services ensuring sufficient products are in place for sanitation, deep cleaning and protection, not just for health workers, but for those working to support critical workers?

The Deputy of St. Ouen:

We have a good stock of essential supplies. They are being distributed to those who are working in the teams that need to be protected. That will include G.P.s when we have worked out the detail of exactly how G.P.s are going to work with us and all other front line staff.

4.5.1 Deputy I. Gardiner:

But what about supplies for the workers who are supporting front line staff?

The Deputy of St. Ouen:

Wherever necessary for staff protection, they will have what is needed. This is careful clinical planning around infection control.

4.6 Deputy K.G. Pamplin:

This regards concerns I have for adult social care and safeguarding, as there is still no legislation for adult social care, including no statutory process, however, best practice is in place. Can the Minister reassure that plans are going to continue in some way or form for those most vulnerable on our Island?

The Deputy of St. Ouen:

I know that all the changes that have been put into place in H.C.S. (Health and Community Services) to meet this challenge of COVID have extended to social care. I know on my laptop I have an answer from our Chief Social Worker. I wonder if I might be permitted to reach my laptop on my desk and perhaps give the Deputy a more detailed answer?

The Bailiff:

Yes, I think we can be flexible in these unusual circumstances. You normally, when answering the question, would have had a laptop in front of you.

Deputy K.G. Pamplin:

Exactly. I could sing a song while we are waiting? Tough crowd.

The Deputy of St. Ouen:

I am advised that Adult Social Services have a daily technical meeting and the States of Jersey Police have a daily management meeting where they also identify adult and child safeguarding issues. Those meetings inform daily prioritisation and tasks within Adult Social Care. M.A.S.H. (Multi-Agency Safeguarding Hub) will be joining the conference call daily and adult safeguarding is linking in with Health, Mental Health and Children's Services. I am advised that we have adult safeguarding continuity planning, that social workers responsible within Adult Social Care have the right services and coverage. Additional pressures on well-being and vulnerability are well understood and are being planned for.

4.6.1 Deputy K.G. Pamplin:

I thank the Minister for that response and I know he will ensure that it reaches our Panel that we can also, as States Members and all of us, get that out. As we have been talking a lot about community, our community needs to hear that, so thank you, Minister. My supplementary is following on the mental health he referenced to. Will there be any legislation coming through including, critically,

the hospital currently is still a place of safety? As we know, there is a planning application to take the place of safety to Clinique Pinel, but as that place of safety for mental health under the Capacity and Self-Determination (Jersey) Law is the hospital, can he give us reassurance on what is going to happen if we get further outbreaks and further decisions about the layout of the hospital go forward?

The Deputy of St. Ouen:

The place of safety will remain the General Hospital. The Emergency Department has been set up to separate, to triage, anyone at risk of carrying COVID from other patients. That may include those on the pathway that might need a place of safety. We anticipate that most patients, who may be infected with COVID, would come in via ambulance and so can effectively be placed on a separate pathway within the system that way. So I wish to assure the Deputy that every pathway, every need within our services has been well rehearsed in all our planning.

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

Tragically, front line doctors and nurses around the world have lost their lives to COVID-19. It is such an infectious disease that often it has been a case that the protective personal equipment has not been up to the right standard. The Minister assured Members this morning that there is enough kit in the Island, personal body equipment in the Island and that more is on order, but does it meet the higher standards that are required by this infectious disease? Just as an add on to the question: is there enough oxygen in the Island to cope with the numbers coming through?

The Deputy of St. Ouen:

The kit we buy in is N.H.S. kit. It is to those standards, which I imagine must be a British standard. I have no reason to believe that they are not of the standard that is needed to protect people. We are not a third world health service. We are fortunate, I believe, in Jersey. As to supplies of oxygen, I provided a written answer to Senator Ferguson, number 135, which is quite lengthy, about oxygen but, very briefly, we do have sufficient supplies currently to meet an anticipated demand.

The Bailiff:

That brings the period of time for questions to the Minister to an end. The next question period is for the Chief Minister.

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy J.M. Maçon of St. Saviour:

There has been a lot of discussion around renters but, of course, we know this crisis is now hitting sole traders, the middle classes, which then, of course, means that they do not have to charge people rent and things like that. So, can the Chief Minister please tell us - we obviously heard announcements in the U.K. about mortgage holidays - do they apply to Jersey? Do business loan rates apply? We did have a comment from the Minister for External Relations, which was helpful, but do we think our comms around that is good enough, because certainly out there in the community there is not enough understanding about what the banks are doing?

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

That is quite a timely question, because I had an update today and we have been aware that the banks are going to do some announcements. As I understand matters - and I believe it has been circulated to the States Members relatively recently, so I will not name the individual banks - but they are assessing the issue for individuals. For example, bank X has short-term support for extending the remaining term of their mortgage, switching rates or switching part or all to interest only, giving customers early access to fixed savings accounts. Another bank is providing emergency access to fixed term savings. Another bank is to defer mortgage and loan repayments for up to 3 months,

emergency funding with no fees and then there are also different levels of support for banking customers. So there have been some announcements.

[12:15]

What I will endeavour to do is just check. There is always this issue about what one does on the Government website for what are private businesses, but just to make sure that that is on the website for communication elsewhere.

5.2 Deputy G.P. Southern:

Does the Chief Minister agree with his Minister for Health and Social Services he can deliver a fully worked through and stress tested Jersey Care Model by April, without waiting for the coronavirus crisis to be resolved?

Senator J.A.N. Le Fondré:

I have got no reason to disagree with the Minister for Health and Social Services. What I will say is that on anything, business as usual is taking longer to deliver but for key projects like the hospital project, of which the Jersey Care Model is one that is running in parallel, that is still being given a priority. At this stage, we have got no reason to doubt that there is any delay in the timing and it is allowing ... people are working differently now. We are seeing that all. We are seeing it here. We have seen the team briefings and things that we are doing. That is applying all the way across the workforce. So, at this stage I have no reason to doubt the Minister. I always make the point that we are always in uncertain times and circumstances may change, but at the moment I am relying on the Minister and agreeing with his assessment.

5.3 Deputy L.M.C. Doublet:

Once we have hopefully approved the Amendment to the Public Finances (Jersey) Law today, when will the money be available to support private nurseries, self-employed, hospitality staff? These are just some of the people who are really desperate for some certainty over when that money will be available?

Senator J.A.N. Le Fondré:

I will split the answer into 2 parts, if that makes sense. One of principles, if the Assembly passes the Amendment to the Public Finances (Jersey) Law, is to enable the Minister to source other sources of funds, if that makes sense. I do not know the timeframe on that aspect of it, because it will be done as quickly as possible. However, access to cash within our reserves is already available. I cannot remember some of the details on the law, but it is about giving the Minister the extra ability on that to essentially manage that cash swiftly. So, once the packages are in place to support, for example, the groups that the Deputy is referring to, the cash will be made available very swiftly. What we have got to do is make sure the detail is brought together on those, which is what officers are working on.

5.3.1 Deputy L.M.C. Doublet:

I must press the Chief Minister on that. Can he give some indication? When he says “swiftly”, are we talking about a week before these businesses and employees will be able to see some financial help? Will it be 2 weeks? Will it be a day? What is “swiftly”? Just a general ballpark.

Senator J.A.N. Le Fondré:

In my terminology, swiftly is between a low number of days to one or 2 weeks type of territory. By that I mean it depends on the circumstances, it depends what the sums of money are that we are dealing with and where the source is. If we have got it and it is available, it can be made available very rapidly.

5.4 Deputy R.J. Ward:

What advice would the Chief Minister give to those who are living in high population densities, such as in the centre of St. Helier and perhaps without the facilities to isolate, because they share bathrooms, or even toilets, in accommodation, to follow the instructions that are so important to stop the spread of this virus?

Senator J.A.N. Le Fondré:

There are 2 things we know of. At the moment, we are into the social distancing and we have to do as well as we all can. If it goes to self-isolation, that is why we are saying we have got to give time to prepare to make sure we know exactly what it looks like because, for exactly the reasons that the Deputy is alluding to and I referred to earlier, we are very alive to that as an issue. That is why we are concerned around the stress and mental health issues that will automatically come out of going to those next phases. We have got to make sure people are as well prepared as they possibly can be.

5.4.1 Deputy R.J. Ward:

Can I ask the Minister then to ensure that with the money that we may release later that some of that money is directed towards those individuals who are in those housing conditions, so that they do not have to worry about not being able to survive in those conditions and do the best they can and that help is created on an Island-wide scale, but particularly where there are high population densities to support those people, so money will be directed to assist those people?

Senator J.A.N. Le Fondré:

What we are doing as one aspect of a whole range of things that are being looked at at the moment is around what is called the community support side, about getting items to people who need them, without them having to break the isolation. That work is in train and that is one of the really key aspects of the work we are doing and getting ready for whatever the next phase is going to be.

5.5 Deputy J.H. Perchard:

Last week - I believe it was Wednesday - the Chief Minister was sent a private and confidential letter signed by 19 business leaders. Can he confirm that he received the letter and why he has not yet responded privately and confidentially to it, unless he has done so? In which case, could he confirm that he has?

Senator J.A.N. Le Fondré:

I have received the letter. No, I have not yet responded directly. However, one of the reasons is we have been focusing on getting the packages out that have been announced. It might be helpful to remind Members that on 12th March it was a deferral of G.S.T. (goods and services tax) and social security contributions. On 18th March it was, broadly speaking, a £180 million package, which is the Loan Guarantee Scheme and Special Situation Fund. On 20th March it was the launch of the coronavirus Payroll Co-funding Scheme. We have to make sure that the details are understood. It is clear at this present time that not necessarily the signatures on that list, but other individuals, were not clear as to the packages. They have not been speaking to their banks. In other words, we have got to work on that to make sure that there is clarity out there, but I will be responding in due course.

5.5.1 Deputy J.H. Perchard:

Thank you for the reminder, but the question was not really about what packages have already been instigated. I have not seen the private letter that was sent to the Chief Minister, because it was confidential, but the reason I have been prompted to ask about it is because the people who have signed it feel that leaving it almost a week to receive a response, given the economic uncertainty and the huge economic pressures that businesses are under and have been very uneasy about not having a response. I think it is fair to state that it has not been a timely response. When can they expect to receive it?

Senator J.A.N. Le Fondré:

I think I should address that, because there was a remark in there which made reference to the fact it took 6 days for something to happen. I think 6 days to get a £180 million package in play is not bad going, plus all the other measures that we have moved on. One or 2 of the people who have signed were supermarkets, who are having some of their best seasons since Christmas. Now, there are a lot of other businesses that are struggling, but this will focus as well on coming together as a community and we have to focus on making sure that we have got the health impacts in place first. That is what is driving us. We then are dealing with the other community aspects and we have been putting measures out there for business. What I do accept is that we will get a response to them. We might even offer to meet them face to face. I believe there have been conversations at an individual level, I may be wrong, but just because we have not responded to a letter from one group, there may have been some other priorities, which I will not go into in the public domain, which may have been of a higher priority due to their health nature of what we are dealing with rather than the economic impact. But, as I said, we have been putting measures in place as initial steps to get through the whole issue, and that is for business as well, as well as for a number of the individuals that we are all getting representations from at the moment.

5.6 Deputy R. Labey:

I think the question that the Island most wants the answer to at the moment concerns lockdown, lockdown of the kind that the British Prime Minister announced yesterday. The question is this: what is his Government waiting for?

Senator J.A.N. Le Fondré:

As Members will know, we did a briefing this morning, which is the update on the strategy that we are following. We will be doing an update to the media later today, so hopefully then the public can see and be reminded of the strategy. It has been put out to the printed media over the last few days of what we are trying to do. To reiterate - that horrible expression of flatten the curve - it is slowing down the spread of the virus through our Island community, such that the health system can cope with it and that is the strategy and that is why we have been bringing in measures. We brought in, for example, the social distancing and the keeping of distance for the over-65s well over a week ago now. We know that on day one of it coming in, it will not be adopted 100 per cent by everybody and that has given people time to adjust. We have then gone to the next stage, which is the social distancing for everyone and people are still adjusting, we know. We also closed the pubs over the weekend. We know some of them are still adjusting. When people are not adjusting appropriately and it depends on the circumstances - for example, self-isolation advice - the police do pay a visit, or somebody does give them a phone call and sometimes have to do another phone call. That is all about adjusting to the different new way of life we are in. The messaging does need to increase, we absolutely accept that. It might help to say that we have had just under a million views on the gov.je website for coronavirus so far. We have obviously done postal drops at all 46,000 households on the Island. So, communications are happening, but people are worried, and people need refreshing and reminding every day. I am told we issued ... there were 160,000 video views last week of the site. So, in certain areas the messaging is going out, but people continuously need refreshing and that is what we have got to work on, but we have got to prepare for the next stages. Apologies, could I say one more thing, which is we must remember the reason the U.K. moved from where they were last week and over the weekend was, for example, the horrific shots that we probably all saw of things on the London Underground, vast volumes of people coming together. That is completely different. We obviously do not have an underground, so we will have isolated pockets where we have to get people to adjust their behaviour, then we can modify and then we keep going. There will be next steps coming through, but we have got to get people ready for them and we are all at different stages in time on this. If we go too quick, we have adverse consequences that, as was explained earlier, people might not have been thinking about. People need to remember that we are in the long haul for this. This is probably 4 or 5 months. It is not a lockdown for 2 weeks and that is why we have

to make sure we are in the right place with very clear guidelines for the next stages that are coming through.

5.6.1 Deputy R. Labey:

Would it be fair to summarise that as lockdown is a weapon in the armoury and the Government does not want to use all its weapons at one time? Do we have any kind of indication of when something stronger in terms of lockdown might happen?

Senator J.A.N. Le Fondré:

I would anticipate, based on the information that Members were advised on earlier today, that we would be in the territory of weekend ... sorry, there will be some announcements in the next couple of days, which again will be a representative tightening up. I expect the next significant step beyond those will be probably after the weekend at this stage, might be slightly further down the line, but we are ratcheting up. It can be very worrying for people out there who do not understand it and that is why we need to beef up the explanations on why we are doing it, but it is a strategy ... to be honest, the Deputy with his eloquent use of words, yes, that probably does sum it up. It is one of the weapons in the armoury. We do not want to use them all at the same time. I think that might be a good summary.

The Bailiff:

That brings the time available for questions to the Chief Minister to an end. There is nothing under J and K and, therefore, we move on to Public Business.

PUBLIC BUSINESS

6. Social Security Tribunal: appointment of members (P.2/2020)

The Bailiff:

The first item of Public Business is the Social Security Tribunal: appointment of members, lodged by the Minister for Social Security. I ask the Greffier to read the Proposition.

[12:30]

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with Article 33A of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following persons as Panel members of the Social Security Tribunal for a period of 5 years: Mrs. Susan Cuming, Mr. Robert Douglas, Mr. Keith Graham.

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

I apologise that the next 3 or 4 items are all the same. I did check with the Registrar and we do not have any members sitting, so basically the names that you see I would like to propose and if you have any questions ... this was referred back 4 weeks ago. I sent out about a 20, 30-page pack to everybody and I said if there were any more questions. I think Deputy Doublet did have some and we pointed her to the Registrar, because I am completely arm's length and that is right, because the Social Security Tribunal needs to sit if people are given benefits or medical benefits and they are not happy with them.

The Bailiff:

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

6.1.1 Deputy L.M.C. Doublet:

I think we were in slightly different times when we did refer this back. Unfortunately, I have not had the information that was requested. It has not come through. There were points made by Deputy Ward and myself and, I believe, Deputy Morel, that have not come through, but given the situation that we find ourselves in, although I do not believe in suspending our morals and ethics - I think we should still be following our morals - I do think that we should let this through today and in future make sure that the information requested is attached with every appointment of this nature.

The Bailiff:

Does any other Member wish to speak on the Proposition? I call on the Minister to respond.

6.1.2 Deputy J.A. Martin:

I thank the Deputy. It was referenced back. It was just the one. It was a very narrow request from Deputy Ward for more information on the people and as it went round the room I think everybody thought that they were adding to the terms of reference back. So I have, as I said, given a 20 or 30 page document. I understand where the Deputy is coming from. The more information that she needs is to contact the Registrar and I have given her the number. I maintain the Proposition and I hope people will vote for it. We need these people in place as a matter of law paying out benefits: that is a process. Predetermination: that is a process. Process is appealed. It probably will not sit but we are not doing it legally if we do not have people who can sit.

The Bailiff:

Those Members in favour of adopting the Proposition kindly show. Those against? The Proposition is adopted.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The time has come now when normally we would adjourn. Is the adjournment called for? Very well, the adjournment is called for. The States stand adjourned until 2.15 pm.

[12:33]

LUNCHEON ADJOURNMENT

[14:06]

7. Income Support Medical Appeal Tribunal: appointment of members (P.3/2020)

The Bailiff:

The next item of Public Business is the Income Support Medical Appeal Tribunal: appointment of members, P.3/2020, lodged by the Minister for Social Security. I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with Article 9 of the Income Support (Jersey) Law 2007, further to a process overseen by the Jersey Appointments Commission, the following persons as members of the Income Support Medical Appeal Tribunal for a 5 year period: Dr. Martin Barrett, medical practitioner, Mr. Robert Douglas, lay member, Mr. Keith Graham, lay member.

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

The names are as the Greffier has just read out and the Tribunal deals with appeals regarding medical grounds affecting a claim for income support. This is the last point where people can appeal. There

are other things they can do before that and we are very short, especially on doctors, at the moment. Again, like the previous one, I ask for Members to support this. If they have any particular questions, I will try to answer them.

The Bailiff:

Do you move the Proposition?

Deputy J.A. Martin:

Yes. Sorry, Sir.

The Bailiff:

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

7.1.1 Deputy R.J. Ward:

Can I ask the Minister: I notice that 2 of the names are the same as 2 members of the Social Security Tribunal; is there not a problem if the Social Security Tribunal comes up with one conclusion and it goes to the Medical Appeal Tribunal? They could be appealing against their own decision on another board. That is the concern I would have, plus I am afraid I do have to say I have the same issue as before with regard to information and suitability in terms of background of the lay members having perhaps a little bit of experience of experience of income support itself. Can the Minister tell us the reasons for that?

The Bailiff:

Does any other Member wish to speak on the Proposition? If no other Member wishes to speak, I call on the Minister to respond.

7.1.2 Deputy J.A. Martin:

You will probably see a few of these names. The interviews went out ... sorry, the call for names went out for the job and it was advertised for 2 weeks and then 4 weeks online. We had 20 people, from memory, send in their C.V.s (*curriculum vitae*). Some spoke to the Superintendent. There is a lot more information. I do not hold a full C.V. I hear the concern of the Deputy about has anybody sitting on these tribunals ever been on income support. I am not sure of all their background and their circumstances through the years. I have taken constituents to tribunals and I have always found they have conducted the tribunals in a very easy way to understand. They take everything on board and it is not a court setting and people can have someone represent them. I have represented people and they have also represented with legal advice and often that is given free, because advocates do that. I understand that would not happen, the question of if they have decided on their own decision, but we do have a shortage. We keep calling. Especially at the moment it seems to be medical. The Chair will be an advocate on all the boards. There could be 2 medical and a layperson and the layperson has probably different experiences. I understand what the Deputy thinks but this is the way ... it used to be appointed by the Minister for Social Security, I think, up to 2016 on all different boards and then we appealed, because these used to come to the Assembly and people used to say: "Why are we rubberstamping these names?" We looked at all different things and it has been mooted that we could have a big panel of names of all different experiences. Some again legal, laypeople that we bring in and not just for all my tribunals, there are more tribunals, but because of the pressing nature of the business in the Law Officers that has not been progressed and I found out from my officers it was not just Law Officers. When it comes to each, where are your priorities, what should we look at? It keeps going down the lines, so this is what we do at the moment. I understand the Deputy's point and, as I say, we try to. We have got 2 men, 2 women, not on this one, but it goes across the board. Coming up we have another woman, but I will not go into that one. It is just, as I say, a matter of urgency at the moment, because we do not have enough people. I was asking if I could move this business, but it is one of those that I really urgently need it, so I maintain the Proposition and ask for Members to support it.

The Bailiff:

Those Members in favour of adopting, kindly show. Those against? The Proposition is adopted.

8. Social Security Medical Appeal Tribunal: appointment of member (P.4/2020)

The Bailiff:

The next item of Public Business is the Social Security Medical Appeal Tribunal: appointment of member, lodged by the Minister for Social Security, and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked whether they are of opinion to appoint, in accordance with Article 34 of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, Dr. Martin Barrett as a medical practitioner member of the Social Security Medical Appeal Tribunal for a period of 5 years.

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

You will see this name again. It was on the last Proposition, slightly different appeal and I maintain the Proposition and ask if Members have any extra questions, I will try to answer them.

The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition? Those in favour of adopting the Proposition, kindly show. Those against? The Proposition is adopted.

9. Social Security Medical Appeal Tribunal: reappointment of medical practitioner members (P.15/2020)

The Bailiff:

The next item is the Social Security Medical Appeal Tribunal: reappointment of medical practitioners, lodged by the Minister for Social Security, and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 34 of the Social Security (Jersey) Law 1974 and further to a process overseen by the Jersey Appointments Commission, to reappoint the following medical practitioner members to the Social Security Medical Appeal Tribunal for a further 4 year period: Dr. Brendan Kellett, Dr. Michael Richardson.

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

Again, this is the Social Security Medical Appeal Tribunal. That must have 2 medical members and these 2 doctors have been recommended. They were doing a great job and can they continue again? Again, if there are any more questions I will try to answer them, and I maintain the Proposition.

[14:15]

The Bailiff:

Is it seconded? **[Seconded]** Does any Member wish to speak on the Proposition? Those in favour of adopting the Proposition, kindly show. Those against? The Proposition is adopted.

10. Income Support Medical Appeal Tribunal: appointment of lay member and reappointment of medical practitioner member (P.16/2020)

The Bailiff:

The next item is the Income Support Medical Appeal Tribunal: appointment of lay member and reappointment of medical practitioner member, P.16, lodged by the Minister for Social Security and I ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 9 of the Income Support (Jersey) Law 2007 and further to a process overseen by the Jersey Appointments Commission, to make the following appointments to the Income Support Medical Appeal Tribunal for the periods stated below: Ms. June Summers-Shaw, lay member, 5 years; Dr. Brendan Kellett, medical practitioner, 4 years.

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

Again, you have seen the doctor's name on the previous Proposition and I am very pleased to have another new member. A lay member put themselves forward and again there is a very short appraisal of the work that Ms. June Summers-Shaw has done. I maintain the Proposition. If there are any questions, again I will try to answer them.

The Bailiff:

Is the Proposition seconded? [**Seconded**] Does any Member wish to speak on the Proposition? All those in favour of adopting the Proposition kindly show. All those against? The Proposition is adopted.

11. Social Security Tribunal: appointment of Panel member (P.17/2020)

The Bailiff:

The next item is the Social Security Tribunal: appointment of Panel member, P.17, lodged by the same Minister and I ask the Greffier to read that Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 33A of the Social Security (Jersey) Law 1974 and further to a process overseen by the Jersey Appointments Commission, to appoint Ms. June Summers-Shaw as a Panel member of the Social Security Tribunal for a period of 5 years.

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

As you can see why, this process probably does need to change. It is the same people, different tribunals, but at the same time they do get a small amount of pay, but there is a lot of time put in and dedication to reading the papers. As I say, I have gone into appeals with parishioners and it should be a morning and sometimes we have been there for 2 days, so I maintain the Proposition and again will try to answer any questions.

The Bailiff:

Is the Proposition seconded? [**Seconded**] Does any Member wish to speak on the Proposition? All those in favour of adopting the Proposition kindly show. Those against? The Proposition is adopted. The next item is not proceeding, which is the appointment of the Jersey Heritage Trust Chair. We then come to the rest of the various pieces of what might be termed emergency legislation. The next 8 Propositions, they are all emergency ones. They were lodged at the end of last week and for which notice has been given that a Proposition will be made to lift Standing Order 32, in order that they can be debated and to reduce the minimum lodging period for each one. Obviously, a Proposition can be made for each piece of legislation, but is the Chief Minister in a position to take the matter up *en bloc*? Yes, you can stand in, I think, in these circumstances, Minister.

Senator I.J. Gorst:

Yes, your observation that the next number of items are all emergency items and therefore I request the Assembly to foreshorten the lodging period, so that we are able to take all of these items this afternoon and not have to make the case for each item. I do not think there is any need to go into any detail of the need for Government to be able to make sure that its preparations as we move through this crisis ... this is a crisis of health, it is a social crisis and an economic crisis. That is why the pieces of legislation cover all of those matters and therefore I ask the Assembly to foreshorten the lodging period and debate them this afternoon.

The Bailiff:

Is the Proposition to do so seconded? **[Seconded]** Does any Member wish to speak on that Proposition? All those in favour of adopting the Proposition kindly show. All those against? The Proposition has been adopted.

12. Draft Cremation (Suspension and Modification of Regulations - COVID-19) (Jersey) Regulations 202- (P.21/2020)

The Bailiff:

The first item is the Draft Cremation (Suspension and Modification of Regulations - COVID-19) (Jersey) Regulations, P.21, lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Cremation (Suspension and Modification of Regulations - COVID-19) (Jersey) Regulations 202-. The States make these Regulations under Article 3 of the Cremation (Jersey) Law 1953.

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

Members have before them these Regulations, which would amend the Cremation (Jersey) Regulations 1961 and, of course, in normal circumstances the Government would not consider removing any of the current checks from the cremation authorisation process, but I believe the case for doing so at this time is clear, because if the pandemic affects Jersey in a significant way, it is reasonable to foresee that the primary care sector will be stretched significantly and unable to fulfil the administrative commitments around cremation without undue delay. There may also be an increase in demand for cremations, which then places an increased pressure upon the death registration process and, if delays occur, the capacity for storage of bodies on the Island may become overstretched. Currently, for a cremation to be authorised, 2 examinations of a body must take place. Firstly, the first examination can only be carried out by the original attending doctor and this examination produces a certificate of medical attendance as a proof that the examination took place. Secondly, the second examination is conducted by an independent doctor, who verifies the information provided by the first examination. The second independent doctor produces a confirmatory medical certificate which confirms the details provided in the first certificate. Both certificates, together with the application for cremation, are then passed to either the Medical Officer of Health, or a medical referee, for checking and authorisation. If they are satisfied with the documents, they will authorise the cremation. The draft Regulations, if adopted, would make 2 temporary Amendments to the authorisation process for cremations. Firstly, they remove the requirement for a confirmatory medical certificate for all deaths that occur prior to 30th September this year. Secondly, the Regulations provide the medical referee with discretion to authorise a cremation without a certificate, any certificate of a medical attendant, but only where the cause of death is due or related to COVID-19. If approved, the Regulations will remove the requirement for the body to be re-examined by an independent doctor, but the examination by the original attending doctor will still remain. This will reduce the administrative strain placed on the primary care sector

and furthermore, where and only where the cause of death is due or related to COVID-19, a medical referee may use their discretion to permit a cremation to take place without an initial examination of the body and therefore without a certificate being completed by the original attending doctor. I am advised that the U.K. has taken similar steps to streamline processes that facilitate cremations. Importantly, these draft Regulations will expire on 30th September this year and if there is a need to extend these measures, the Assembly could be asked to approve further Regulations nearer the time. Members, I believe that these are proportionate and necessary to reduce the burden on services and I propose the principles.

The Bailiff:

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

12.1.1 Deputy K.G. Pamplin:

I speak to Members in the authority given to me by the Chair of the Health and Social Services Scrutiny Panel, leading the review on all the Regulations related to COVID-19. We start by thanking the Minister and his team, which is extraordinary circumstances that all the Scrutiny Panels are finding in working to turn around important parts of our democracy and supporting these legislations going through. It is important also that Members understand fully why we all are in agreement why these Regulations have to go through and broadly accept them, that there are full details that Members need to be aware of. We have sent, just during lunchtime, to all Members our comments to give Members reassurance that this P.21 has been scrutinised and there are things to consider. I will just now quickly go through them for Members' peace of mind. The Panel agree with the Minister that the aspect of this Regulation is only in conduct in respect of COVID-19 deaths only. It would only also temporarily suspend the requirement for a second examination of a body by an independent registered medical practitioner. The Panel was advised that both changes to the process have been drawn up in collaboration with the Viscount, Superintendent Registrar and medical practitioners, importantly, involved in delivery of the present process. The Panel was further advised that all the temporary COVID-19 Regulations were brought on clear and obvious public health grounds, balancing the changes the Government are having to make in unusual processes. Following a number of queries raised by the Panel to the Minister, the Panel wishes to note the following: that the Excess Death Group currently meets weekly to consider issues and arrangements and plans for situations of excess deaths in Jersey. The group met last Tuesday and discussed the ability for the registration of the death process to cope with what was the worst case scenario. The Excess Death Group agreed the changes outlined in the draft Regulations in the certificate process and requested that Strategic Policy Planning Performance Officers made the legislative Amendments to facilitate these process changes. A list of those, as the Minister has mentioned, can be found in our appendix in our comments. The Excess Death Group again agreed that it was reasonable and practical to remove the requirement for a second certification. It was considered to be a risk, but a small and necessary risk. A normal death would still have to have 2 safeguarding checks and would be certified, as the Minister said, by the attending doctor and the medical referee. It was noted that the Group were currently undertaking a workstream to appoint doctors and ex-doctors as medical referees to assist in the process, due to those already appointed being otherwise engaged. We will be seeking further reassurances from the Minister. That process of undertaking a workstream is critical to these going through, that they are going through the normal checks and processes and the extraordinary things that we are all finding, as we know, with people coming into the Island and being tested. We will watch that with careful eyes. The Panel has a concern regarding the potential for legal challenges, due to the proposed reduction of safeguards. It was advised that the draft Regulations suspend and modify the existing Regulations of 1961 and change the legal responsibilities and duties placed upon persons and roles cited in the 1961 Regulations. If issues were to arise with regard to the changes to the procedures and the authorisation of cremations, it would be a political and operational matter. A legal challenge would arise if a person cited in the draft Regulations did not comply with the amended duties placed upon them within those draft Regulations. However, a person acting in accordance

with the requirements in the Cremation Regulations, or discharging a statutory duty specified in the Cremation Regulations would be acting lawfully, therefore on all of these notes found in our comment papers, the Panel has reviewed the proposed changes, albeit briefly, as I say, given the current circumstances and understands the rationale for their introduction at this stage. The Panel supports the changes and in the context of the current pandemic would recommend that Members support the Proposition. We and the Panel will be watching this closely. If there are any concerns, we are making ourselves available to all those concerned and the Minister. Thank you.

The Bailiff:

Does any other Member wish to speak?

12.1.2 Deputy R.J. Ward:

Just briefly, just one concern. This is in terms of those who may die from COVID-19, but I just wonder if there is any clarity regards those who may have a terminal condition, but are infected with COVID-19, in terms of defining the cause of death. Families will really want to know. It is an important thing for families to know causation and could people be lost in this law?

[14:30]

I cannot find a better way to word it in terms of because of the COVID-19, is it easily definable as caused by that if somebody had a terminal illness? It is just a concern, but I understand why the law has come through so quickly.

The Bailiff:

Does any other Member wish to speak on the Proposition? I call on the Minister to respond.

12.1.3 The Deputy of St. Ouen:

I understand the first provision is to remove the requirement for a second confirmatory medical certificate in any application for cremation, not simply a death arising as a result of a COVID-19 diagnosis or certificate. The second Regulation, or the second change, relates to medical referees and it is possible for a medical referee, who would normally be the Medical Officer of Health, or someone nominated by him - in exceptional cases, because of pressures; it is not envisaged this would happen routinely - to authorise a cremation without any certificate of a medical attendant, but that would only be where the cause of death is due or related to COVID-19. The specific wording of the Regulation is that: "... during the epidemic of infectious disease caused by the COVID-19 coronavirus, if he or she considers that the cause of death is due to or related to such disease ..." So, taking up Deputy Ward's point, the cause of death may be related to such disease, but the certificate may also record other causes of death, it seems to me, but the medical referee must be satisfied that it is related to the coronavirus disease. I hope that helps and may I ...

The Bailiff:

You maintain the principles?

The Deputy of St. Ouen:

I maintain the principles.

The Bailiff:

Those Members in favour of adopting the ... the *appel* has been called for, in which case we now have the *appel nominal*.

POUR: 33	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Deputy R. Labey (H)	
Senator L.J. Farnham		

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Very well. The principles therefore have been adopted. I am assuming, Deputy Le Hegarat, that the Health and Social Security Scrutiny Panel do not want to call this in?

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

No, thank you, Sir.

The Bailiff:

Very well. Then, Minister, how do you wish to deal with the matter in the Second Reading?

12.2 The Deputy of St. Ouen:

Unless Members wish otherwise, I would like to take all Regulations *en bloc*.

The Bailiff:

Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations, or any of them? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in the Second Reading. Do you wish to propose the matter in the Third Reading, Minister?

12.3 The Deputy of St. Ouen:

Yes, I do.

The Bailiff:

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

12.3.1 Senator K.L. Moore:

It is important to just observe that Members, in voting *pour* in the majority today, have done so, I think, with a difficult heart. It is a most sensitive topic and, of course, indicates the great confidence that we place in our medical professionals in the Island and the systems that we have to overcome this. It is, of course, in the short term and I am very grateful to the Scrutiny Panels who have provided very timely oversight on this important and sensitive matter.

The Bailiff:

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

12.3.2 The Deputy of St. Ouen:

I concur with the words of Senator Moore just now. I wish to thank the Health and Social Security Scrutiny Panel for their close working with me and officers and their readiness to meet very quickly to deal with this matter. I wish to thank the Assembly for its support in ensuring that this vital service, though difficult times, can still be delivered and I thank the Assembly for its support.

The Bailiff:

Very well. You maintain the Proposition?

The Deputy of St. Ouen:

I maintain the Proposition.

The Bailiff:

Those Members in favour of adopting it in the Third Reading, kindly show. Those against? The Regulations are adopted in the Third Reading.

13. Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations 202-(P.22/2020)

The Bailiff:

The next item is the Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations, P.22, lodged by the Minister for Home Affairs and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations 202-. The States make these Regulations under the Order in Council dated 14th April 1884.

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

Under the Unlawful Public Entertainments Regulations, the Bailiff is responsible for granting permission for public events and, when granting permission, the Bailiff may attach conditions as he thinks fit. The current pandemic has exposed a *lacuna* in the existing Regulations, namely that no matter how much the situation may change, the Bailiff cannot revoke his permission once it has been granted and the Bailiff cannot prescribe new conditions or amend existing conditions once he has granted permission. This Amendment aims to rectify these issues by allowing the Bailiff to withdraw or add conditions to events that have already been granted permission. It is unlikely, of course, that any of these events will be able to proceed in any event in light of the pandemic, but this Amendment will provide certainty to the organisers and indeed to the public, as the Bailiff will be able to make it clear that these events are cancelled. My position on the time limitation has been raised by the

Scrutiny Panel and it has been my position that these Amendments were a sensible addition to the Regulations in any event and should last into 2022, when the triennials themselves fall. However, the Education and Home Affairs Panel has objected to this, as the changes were not consulted upon. That is not an unreasonable position for them to take and I am grateful to the Panel that they have agreed not to place a further burden on the Law Drafting Office at this time by proposing an Amendment. So, in light of the very reasonable and positive decision by the Panel, I have undertaken to accept an Amendment, or bring my own, as appropriate, to time limit these provisions to 30th September in line with other emergency provisions. This will be done as soon as the law drafting system can accommodate the work. I propose the principles.

The Bailiff:

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

13.1.1 Deputy R.J. Ward:

Just very briefly. On behalf of the Education and Home Affairs Panel I Chair, I would just like to thank the Minister for taking that action, because it solves a problem that we had with the speed and it allows scrutiny later on, during a more appropriate time, as one might say. So the Panel accepts that and we would push ahead with this change.

The Bailiff:

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

13.1.2 The Connétable of St. Clement:

I am grateful for the support of Deputy Ward and his Panel.

The Bailiff:

Those in favour of adopting the principles kindly show. Those against? The principles are adopted. I am assuming then, Deputy Ward, that your Panel will not be calling the matter in?

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

No.

The Bailiff:

How do you propose the Regulations in the Second Reading? There are 2 options.

13.2 The Connétable of St. Clement:

I would just simply like to propose the Regulations. They do exactly what I said in my opening remark.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on the Regulations in the Second Reading? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in the Second Reading. Do you propose them in the Third Reading, Minister?

The Connétable of St. Clement:

Yes, please, Sir.

The Bailiff:

Is it seconded? **[Seconded]** Does any Member wish to speak on the Regulations in the Third Reading? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in the Third Reading.

14. Draft Marriage and Civil Status (Amendment of Law) (COVID-19 - Temporary Amendment) (Jersey) Regulations 202- (P.23/2020)

The Bailiff:

The next item is the Draft Marriage and Civil Status (Amendment of Law) (COVID-19 - Temporary Amendment), again lodged by the Minister for Home Affairs and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Marriage and Civil Status (Amendment of Law) (COVID-19 - Temporary Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 82(2) of the Marriage and Civil Status (Jersey) Law 2001.

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

On behalf of the Government, I am proposing these draft Regulations to achieve 2 things, firstly to ensure the continuity and ongoing functioning of the Office of the Superintendent Registrar. Currently, under the 2001 Law, an informant is required to provide the particulars related to a birth, stillbirth or death to the Registrar. The informant is then required under the Law to sign the entry made in the appropriate register in the presence of the Registrar. This means there is a requirement for human contact to take place when a Registrar witnesses the signing of a register by an informant. This places the staff working in the office of the Superintendent Registrar at risk of coming into contact with a person infected by the COVID-19 virus and is at odds with our advice regarding social distancing. The risk is especially heightened if the death is due to the coronavirus. Secondly, we want to mitigate the increasing pressures placed on the registration of death process in the coming months. Under the 2001 Law, a doctor is only qualified to complete a certificate of fact and cause of death if they have attended to the deceased during his or her last illness within the period of 14 days preceding the date of death and only if they have viewed the body after death. It has been identified that these requirements will likely not be met in the case of a doctor having to self-isolate himself, or during times of significant pressures upon the primary care sector. If the above circumstances are not met, the Viscount can authorise a certificate of fact and cause of death. However, it has been identified that the Viscount may not have the capacity to authorise the required number of certificates during the period of an epidemic, causing a delay. It is therefore necessary to amend the requirements in the Law in a safe way to reduce reliance on the Viscount. The draft Regulations would, if adopted, make 2 temporary Amendments to the Marriage and Civil Status Law: (1) the Regulations will modify the requirement for the informant to sign the appropriate register, allowing the Superintendent Registrar, or her deputy, to be informed of the particulars and to sign the register instead of the parent, family, funeral director or Viscount.

[14:45]

The draft Regulations will allow the Superintendent Registrar to be provided with the particulars electronically. This is in line with our consistent advice on social distancing. It reduces the need for face to face contact when registering a birth, stillbirth or death and it is also similar as the steps taken in the U.K. to reduce human contact. Secondly, the Regulations will increase the period of time that a doctor can visit a patient prior to their death and still remain qualified to complete a certificate of fact and cause of death. This period will be increased from 14 days to 28 days. The Regulations will allow a doctor to complete a certificate of cause of death if they visited the patient up to 28 days prior to their death. This will reduce the number of certificates requiring the approval of the Viscount. This Amendment is in line with similar Amendments again which have been made in the U.K. These draft Regulations will expire on 30th September of this year and if the Government needs to extend these measures, the Assembly will be asked to approve further regulations in a few months' time. I submit that these time limited Regulations are proportionate and necessary. They reduce a risk to the continuity of the office of the Superintendent Registrar and the administrative burden on G.P.s and

the Viscount during a time where significant pressures will be placed on the entire healthcare system. I propose the preamble.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show. Those against? The principles are adopted. I take it, Deputy Ward, that the Scrutiny Panel does not wish to call it in or ... indeed. How do you wish to propose matters in the Second Reading, Minister?

The Connétable of St. Clement:

I propose the Articles.

The Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak in the Second Reading on any of the Articles? Those in favour of adopting the Articles kindly show. Those against? Very well, the Articles are adopted in the Second Reading. Do you propose the matter in the Third Reading, Minister?

The Connétable of St. Clement:

Yes, indeed. I would like once again to thank the Scrutiny Panel for their support on these very important Regulations.

The Bailiff:

Are they seconded in the Third Reading? [**Seconded**] Does any Member wish to speak in the Third Reading? Those in favour of adopting the Articles in the Third Reading kindly show. Those against? The Articles are adopted in the Third Reading.

15. Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202-(P.24/2020)

The Bailiff:

The next item is the Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act lodged by the same Minister and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202-. The States make this Act under Article 119 of the Criminal Procedure (Jersey) Law 2018.

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

The States approved the Criminal Procedure Law in March 2018 under the guidance of my predecessor, now Senator Moore. This Law has been brought into effect in stages and I had planned to bring the remaining *tranche* in all together later in this year. However, the current pandemic has highlighted a need to bring a limited number of the provisions sooner in order to help us manage the situation. At the heart, the provisions will assist the courts in reducing the need for some individuals to be present at court hearings during the current outbreak. I do not propose to go through the effect of all of the Articles, but I am able to do so if that will assist Members. I should add that I still intend to bring in the rest of the Law once the courts are in a position to implement them in practice, hopefully later in 2020. I propose the preamble.

The Bailiff:

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

15.1.1 Deputy R.J. Ward:

Just briefly from the Panel, I should say we do understand that these would have come forward and it does seem pertinent to bring them forward quickly, given the circumstance at the moment, so the Panel does approve of these changes and I believe they were agreed by the States previously, so it has got the Panel's approval.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the principles? I call on the Minister to respond.

15.1.2 The Connétable of St. Clement:

Once again, I express my gratitude to the Scrutiny Panel. I maintain the principles.

The Bailiff:

Those in favour of adopting the principles kindly show. Those against? The principles are adopted. I am sorry, I should not have said principles, this is of course an (Appointed Day) Act and adoption of the Proposition itself is the final act of the Assembly, as they have heard today. Thank you very much, Minister.

16. Draft Statutory Nuisances (Amendment) (Jersey) Regulations 202- (P.25/2020)

The Bailiff:

The next item is the Draft Statutory Nuisances (Amendment) (Jersey) Regulations, P.25, lodged by the Minister for the Environment and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Statutory Nuisances (Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 3 of the Statutory Nuisances (Jersey) Law 1999.

16.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):

These Regulations amend the Statutory Nuisances (Jersey) Regulations 2017 to specify that some public events may be identified as a potential statutory nuisance if they create a risk of spreading coronavirus. We would hope that the public would understand from the advice already in the public domain that we are discouraging large gatherings and events and that we would not need to use these powers. However, in a scenario that the advice is not adhered to, these powers would allow the Minister to serve an abatement notice to prevent large gatherings. The Medical Officer of Health will give advice as to the kind of gathering that would constitute a risk. Whether a given event would constitute a statutory nuisance will also rely on more factors than simply its size and duration, for example, smaller gatherings where social distancing could not be observed, or gatherings that create special risks of infection for essential staff might also be controlled. These Regulations offer the best route to engage legal powers to limit the gathering of people to prevent the spread of coronavirus among the population and to ensure that essential services remain in operation. This is about enforcement and the police can be asked to enforce abatement notices as it is an offence not to abide by a notice once served. As we have done so far, the public will always be notified in advance of specific restrictions in place at any time as and when they develop. I would like to move the Proposition.

The Bailiff:

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

16.1.1 Connétable J.E. Le Maistre of Grouville:

Could the Assistant Minister just confirm that this would allow the police to disperse crowds, even if they just formed informally, or are these just formal events?

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

Could the Assistant Minister also inform us when he sums up whether it is intended to limit these powers, such that they will fall away at the end of the current pandemic?

The Bailiff:

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

16.1.3 Deputy G.C. Guida:

The answer to the first question is no, this is not dispersal powers, this is about specific public events, so this just gives enforcement powers for events that might be considered a propagation risk. They are not limited in time. However, the Amendment specifies events that may propagate COVID-19 virus / illness - SARS, CoV-2 - so they are conscribed by the notion that it is exclusively to circumscribe the propagation of that particular virus, but they are not limited in time.

The Bailiff:

Do you maintain the principles?

Deputy G.C. Guida:

I would like to maintain the Proposition.

The Bailiff:

Minister for Treasury and Resources, if you wish to register a vote, please do so by raising your hand. Those Members in favour of adopting the principles kindly show. Those against? The principles are adopted. I am assuming that the Environment, Housing and Infrastructure Scrutiny Panel does not wish to call the matter in?

The Connétable of Grouville:

No, Sir.

The Bailiff:

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

Deputy G.C. Guida:

En bloc, please.

The Bailiff:

Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on the Regulations or any of them? All those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in the Second Reading. Do you wish to propose the matter in the Third Reading?

Deputy G.C. Guida:

Yes, please.

The Bailiff:

Is it seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in the Third Reading? All those in favour of adopting the Regulations in the Third Reading kindly show. Those against? They are adopted in the Third Reading.

17. Draft Regulation of Care (Standards and Requirements) (COVID-19 - Temporary Amendments) (Jersey) Regulations 202- (P.26/2020)

The Bailiff:

We next come to the Draft Regulation of Care (Standards and Requirements) (COVID-19 - Temporary Amendments) (Jersey) Regulations, P.26, lodged by the Chief Minister, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Regulation of Care (Standards and Requirements) (COVID-19 - Temporary Amendments) (Jersey) Regulations 202-. The States make these Regulations under Articles 11, 14 and 30(3) of the Regulation of Care (Jersey) Law 2014 and after the Chief Minister having consulted the Health and Social Care Commission and in accordance with Article 14(9).

The Bailiff:

Are you dealing with this one?

17.1 Deputy G.C. Guida (Assistant Minister for the Environment - rapporteur):

Yes, on this as well. The next 2 Propositions are emergency measures to facilitate the urgent provision of care by making it more flexible and pragmatic. Proposition 26 is about care workers and Proposition 27 is mostly about places of work. For P.26 the draft Regulations would, if adopted, give both the Care Commission and the providers of home care, adult day care and care home services greater flexibility during what are likely to be extremely challenging months. The Government does not take the decision to bring forward these Amendments to the Regulations lightly. It goes against the grain to deregulate care settings, but the case for doing so is clear and overwhelming. These draft Regulations will allow care providers and the Care Commission to manage potential scenarios and to remain compliant with regulatory standards as far as possible. I must stress, however, that these draft Regulations do not give care providers *carte blanche*. The Care Commission will continue at all times to regulate and oversee the provision of care by all providers. Care providers will only be able to operate outside their usual conditions if their reason for doing so is directly, or indirectly, related to COVID-19, if they provide this information to the Commission and if the Commission determines, based on this information, that it is reasonable and proportionate for them to do so. In all cases, care providers can only operate in the reduced regulatory requirement in this way for 3 months. After 3 months, they must reapply to the Commission. These draft Regulations would expire on 30th September 2020 and if the Government needs to extend these measures, the Assembly will be asked to approve further regulations after 30th September. These time limited Regulations are a proportionate and necessary initiative, so that we can both encourage Jersey's care sector to prepare appropriately and enable it to respond effectively to this pandemic. I would like to place on record my thanks to the Care Commission for their engagement with the Government on these matters in the past few days. I ask Members to adopt the principles.

[15:00]

The Bailiff:

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

17.1.1 Deputy K.G. Pamplin:

This is one of those areas where Scrutiny Panels have started work on looking at some of these Regulations and I know this falls under the Chief Minister, but as a Scrutiny Panel that spends most of its time looking at health and social care regulations, I have some things that I think need saying in support of why we need to do these Regulations under these incredible times, because we need to, because of the pandemic. However, Members must be aware of the risks. As we saw yesterday, the U.K. House of Commons, when they were debating the Bill yesterday, as was noted that there is a

risk here in terms of safeguarding under the regulations of the law. For example, 2.5: “The requirement that those working in care settings must be of good character and integrity will remain in all circumstances. However, it is recognised that, in a crisis, these agencies which process criminal record background checks, D.B.S. (Disclosure and Barring Service) checks, may be unable to process applications in a timely manner. In short, registered providers may need staff more quickly than D.B.S. checks can be processed. In these cases, it would be unreasonable to penalise care providers and it would be irresponsible to leave providers also short-staffed.” I illustrate this, because the risk of the pandemic and why these Regulations are needed, alongside the risk and the safeguarding of people in our care homes, our loved ones, because the decisions that these care homes are going to have to make are under extraordinary pressures. Therefore, this is a scenario that if I was the manager of a care home and needing a staff member to come in because I have lost a critical staff member because of the virus, I need to get somebody in quick, I need to know that they are safe and if I cannot do that check, I have got to know I will not be penalised down the line. So what I am saying here, and using this as an example, what will the Government be doing to reassure the care providers of this Island, the charitable sector ones, the States ones and the private companies that they are going to get the information of how they are going to be supported and also to get this through to the families and the members of the Island who will have similar concerns about their loved ones in these care environments. That is one of many concerns of these risks, but that is why we are here. This is democracy, we have to take this and again, where I just say while I am standing based by watching the House of Commons debate, a lot of their laws come with 2 years, so fantastic oversight to allow that most of these Regulations only go up to 30th September. However, we, as an Assembly, must keep an eye on these Regulations and if we are hearing concerns, bring forward Amendments as soon as possible and co-ordinating our approach so that we do not overburden. That is all I wanted to say, that what we are voting through today is unprecedented times and restraints and the necessity of flattening the curve and trying to not spread this virus, which is utterly contagious, to our most vulnerable people in this society is important, but there are risks and I want the Government to reassure us today when we vote this through that those care homes will be provided packs/information to how it is going to work, so they fully understand and they are supported in what this means. Equally, the families of the loved ones of our people needing critical care in care homes, for adults and children - looking at the Minister for Children and Housing - and seeing helpful comments today from the Children’s Commissioner, these are the sort of reassurances we now need to get out. We have talked a lot today about communication. We must get this through to people, because it is important, but it comes with risks, but I thank the Government for listening and working with the Scrutiny Panels once again.

17.1.2 Senator S.W. Pallett:

I am going to be very brief, because I really just want to follow on from what Deputy Pamplin has just pointed out. I certainly understand the need for these Regulations, they are clearly needed to provide the staff that we need to work in care homes that may well be under pressure, but the safety of patients I think, as Deputy Pamplin has said, has to be paramount here. It does mention that any potential worker needs to be of good character and integrity and we all understand the importance of that, but clearly we will not be able to do D.B.S. checks in the sort of timeframe that we are looking to do them in. I understand that, as well, but just in terms of the end of any particular emergency, with these particular staff that are working at that particular time, in terms of D.B.S. checks, if these care homes wanted them to stay on, how long would they be given to allow them to get the D.B.S. checks done to ensure that whoever they are employing is as safe as we think they should be? Or would it be the intention that any contract at the end of the emergency would be terminated, so that checks could be done to ensure that any potential workers have the necessary credentials to work in care homes?

17.1.3 Deputy R.J. Ward:

I would like to raise a couple of points which are similar to Deputy Pamplin and something that Senator Pallett had said, but in a different context regards the Care of Children Panel and whether the safeguards for children and young people and care leavers ... and I understand perhaps an urgency, and a concern that I will raise, because I think we have to raise these concerns - it is very important - that this may be a slight knee-jerk reaction that could lead to a safeguarding risk or an incident, particularly with young people and some reassurance that this is the very last resort in the next 6 months for a worst case scenario, if staff are not available, so that current processes are first and foremost in place, are consistent with what we have said about the priority for children, which is throughout the Government commitments and, therefore, that the current provision does stay in place. In terms of D.B.S. checks, whether they would be *in situ*, i.e. the D.B.S. checks would still be taken out, but they may be taking longer, but they would be *in situ* I think is what Senator Pallett was saying in terms of making sure that this process is still going on, but if it takes longer, at the end of that 6 months if they are not there, then action has to be taken. Would this extend to schools who do a D.B.S. check and have to D.B.S. staff? I know this is about care homes, but what would the impact be in the wider context of safeguarding for children in other contexts, as well? These questions I believe we do have to address here and some reassurances are required.

17.1.4 Senator I.J. Gorst:

I am pleased to follow the other speakers, because I do not think it is that any of the speakers were disagreeing with the legislation, but merely alighting the concerns that then arise and need to be addressed. Of course, one recognises that in the heat of the crisis it may be that care homes and care centres are not able to access the staff that they would normally have and, therefore, at great speed need to employ staff and may not have been able to go through all of the procedures. I sort of liken it to perhaps a single parent who has 2 children, one of whom is in an emergency condition. The parent then has to decide whether to leave one of the children at home and take one into the hospital and it may be the only help at hand is a neighbour, may or may not be a well-known neighbour. That is potentially acceptable for that period of time of that crisis in the family setting, but it cannot be that care homes are simply able to dispense with the appropriate police checks because it is inconvenient. We accept they cannot be, or it may not be able to be in place at the start, but they cannot simply be dispensed with, because we come back to ... and we cannot forget during this crisis - and Senator Moore has described it incredibly well with her lives and livelihoods element of this crisis - it is a health crisis, but it is a lives and livelihood crisis as well and we need to have all of those in mind. We do not ditch the strategic priorities of Putting Children First and making sure that we are showing love to them and caring for them appropriately. That means appropriate safeguarding and yet, at the same time, we need to make sure there are physical people in the jobs to care, not only for children, but for the elderly, as well. One of the things that has not really come out in the handling of this crisis in the media is that it is absolutely fine for Ministers and Competent Authorities - and the Minister bringing this forward today is absolutely right to do it - it is absolutely fine for us to say: "We should close schools, we should social distance, we should self-isolate" and we have had the conversation about a U.K. style lockdown and the medical evidence on which that decision will be based in due course. But, let us be absolutely clear, in making those decisions to protect health and to limit the number of fatalities in our community, which is right, on the other side of the equation, we are creating in our community mental health issues, which might affect people for the rest of their lives in their social isolation and in their locking down. We are also creating and putting people into extremely difficult family situations, where there will be the potential for physical and emotional abuse and I think, across Government, people are thinking about this and endeavouring to put in place processes to help Islanders deal with it, but these issues are not black and white, they are not straightforward and it behoves every single Member of this Assembly - and this is why we are speaking in this way today - to consider those issues, to balance those issues and to make the best short, medium and long-term decisions on behalf of Islanders. The Minister has my support in bringing this legislation forward, as all Ministers who have got their legislation today, but we cannot

think that by approving this legislation that is the job done, because it is not. It will require more work of us as we relax these controls to make sure abuse and advantage is not taken of them.

17.1.5 Senator S.Y. Mézec:

I agree wholeheartedly with every single word that Senator Gorst just said. He said that these issues are not straightforward, and that is absolutely right. Even in ordinary times the issue of safeguarding is not straightforward and can be extremely difficult to get right. He is also absolutely right to say that no matter what circumstances the Island faces that we remain true to the commitment that we have made to put children first. The fact of the matter is that the situation we are facing is an extraordinary situation. These are not normal measures in normal times and the fact of the matter is that were we not facing this crisis many of the pieces of legislation and regulations that are going to come before this Assembly would not be being taken. We would not be here and so, when these proposals come forward, they are trying to make the best of a very difficult situation and understanding that business as usual will be difficult and to enable us to provide some service is better than the alternative, which could be we end up providing no service and that is clearly not in the interest of children who are in our care, who have the rights for the State that is looking after them to do the absolute most it can to ensure that their well-being is provided for. That is difficult in normal times, but it is extra difficult in not normal times like we are facing and so, accepting that in any other circumstance we would not be looking at proposals like this, because of the situation we are in, it is right to support the proposals and I thank the Assistant Minister for standing to propose them to the Assembly and I hope we will support them.

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

In response to Deputy Ward's question, I hope this assists Members, but this draft Regulation would not apply to hospitals or schools, because if we look at the primary Law in Schedule 1 to the Law that defines what a care home service is, and that excludes hospitals and schools. I hope that assists Deputy Ward and other Members.

[15:15]

The Bailiff:

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

17.1.7 Deputy G.C. Guida:

I would like to thank Deputy Pamplin, Senator Pallett, Deputy Ward, Senator Gorst and Senator Mézec. I think they mirror my own feeling about this. This is a very difficult decision. However, we are not deciding now to relax rules. What we are doing is allowing for a last resort if a certain threshold is reached and we are also relying on the Social Care Commission to decide whether that threshold has been met. So, it is more about speed and flexibility than about throwing away the rules. We were talking about compliance. Again, this is about agility. We would still try to comply as much as possible and, of course, when the temporary orders expired, compliance would become compulsory again, so if you had somebody who worked and had not been checked properly, or did not have the right qualifications you could not continue to employ them. This is just about being flexible and pragmatic if the situation calls for it. I would like to maintain the Proposition.

The Bailiff:

Those in favour of adopting the principles kindly show. Those against? The principles are adopted. The Corporate Services Scrutiny Panel does not wish to call this in? Thank you very much. How do you propose the Regulations in Second Reading?

Deputy G.C. Guida:

En bloc, Sir.

The Bailiff:

Are the Regulations seconded? [**Seconded**]. Does any Member wish to speak on the Regulations or any of them? Those in favour of adopting the Regulations in Second Reading kindly show. Those against? The Regulations were adopted in Second Reading. Do you wish to propose the matter in Third Reading, Minister?

Deputy G.C. Guida:

Yes, please.

The Bailiff:

Are they seconded in Third Reading? [**Seconded**]. Does any Member wish to speak in Third Reading? Those in favour of adopting the Regulations in Third Reading? The *appel* is called for. We will do the *appel nominal*.

POUR: 34		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy of Grouville		
Senator L.J. Farnham				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy 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)				

18. Draft Regulation of Care (Amendment of Law) (COVID-19 – Temporary Amendment) (Jersey) Regulations 202- (P.27/2020)

The Bailiff:

Very well. We now come to Draft Regulation of Care (Standards and Requirements) (COVID-19 – Temporary Amendments) (Jersey) Regulations 202-, P.27/202- lodged by the Chief Minister and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The Draft Regulation of Care (Standards and Requirements) (COVID-19 – Temporary Amendments) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the Regulation of Care (Jersey) Law 2014.

18.1 Deputy G.C. Guida (Assistant Minister for the Environment - rapporteur):

These Regulations, if adopted, would exempt any new care home and adult day care facilities which are established from today, as a direct or indirect result of COVID-19, from the requirement to register with the Jersey Care Commission. These draft Regulations should be considered by the Assembly in conjunction with P.26. The previous Proposition allows care providers, who are currently registered, to adapt their services to cope with the outbreak. These draft Regulations will ensure that any new care home, or adult day care service, which is established as a consequence of the COVID-19 outbreak does not have to be registered to afford service providers the maximum amount of flexibility to care for patients with COVID-19. Again, the Government does not take the decision to exempt care services from Regulations lightly. It is, in fact, our intention, as set out in the current Government Plan, to expand the scope of health and social care regulations over the coming years. However, the case for taking short-term measures to respond to COVID-19 is both practical and responsible. If the COVID-19 pandemic affects Jersey significantly, it is reasonable to foresee that the Department for Health and Community Services will need to expand its current capacity to accommodate and to care for patients. Additional beds may be required to accommodate patients who are receiving treatment for COVID-19, or for patients who, because of the COVID-19 outbreak, cannot be accommodated as usual. In this event, the Government may repurpose existing accommodation, such as hotels, or other lodgings, to use as care homes. It is also foreseeable that existing adult day care arrangements may be impacted as public health concerns prevent services from operating. At this time, given the unprecedented circumstances Jersey faces, we must allow our hard-working healthcare workers to get on with the difficult jobs they need to do. These draft Regulations will give them some additional breathing space to do so. The draft Regulations will expire on 30th September this year and if the Government needs to extend these measures, the Assembly will be asked to approve further Regulations in a few months' time. The Government have no intention of exempting care providers from effective independent regulation for any longer than is necessary and reasonable. These are, in short, further necessary and proportionate measures which are designed to give the health and social care sector sufficient flexibility to respond to this pandemic. I ask Members to adopt the principles.

The Bailiff:

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

18.1.1 Deputy R.J. Ward:

I have real concern over this. The previous piece of legislation we talked about I found very difficult to vote for, but I did, because there was a background that the Care Commission would still be overseeing in some way and the potential was still there to do that. This seems to be and I understand the possible need, that that would not exist at all and we would have completely unregulated care. I would have thought that a better way would have been to have had some form of fast track system, which at least has that regulation there in some form. I understand the possible situation we may be in, but we are not in that situation yet and we have had a very short time to look at this. Perhaps this is a step too far and I raise that now, because we have to raise if we have concerns in this Assembly that serious. I will ask that question, as to why we have not had instead some form of fast track given? It will not be overnight, in the next week for example, that this happens but it will take time,

so I am concerned about the removal of the registration entirely. I raise that as a concern. Thank you.

18.1.2 Deputy C.F. Labey of Grouville:

I would just like to agree with Deputy Ward in everything he has just said. I think this is a time where we are putting our young and elderly and vulnerable people who are in care... and I do not think that we ought to relax all rules, especially police checks and we ought to not be looking at relaxing the rules in care. I think we ought to be looking to speed up the checks. Why is it taking so long? I appreciate these are uncertain times, but I think that is the area we need to be focusing on, not relaxing the rules and leaving our vulnerable people being looked after by who knows who.

18.1.3 Senator S.W. Pallett:

Very briefly and very much in line with what the previous 2 speakers have said, having some background and some knowledge of how care homes work with Maison St. Brelade, the staff in there are extremely experienced and have built up the experience over a long period of time. I can certainly understand the need to provide backup for existing care homes, because clearly some staff will get ill and we will need to assist them in being able to run the homes. We may have to stick extra people in some of these care homes, as well. What my concern is if we are going to create new care homes, not only will we be getting a new care home that is unregulated, but who is going to staff them? Is it going to be people that we do not know what their background is, so we do not know what their experience is, or are we going to provide a level of experience to go into the care homes to work with some of those that are unregulated? All I would ask is that if we are going to create new care homes and I can certainly understand the need for it, we have seen them around Europe, if we get anywhere near the level of illness in Jersey we are going to need more places where people can be treated, but all I would ask is that we are very careful about how we staff them and make sure that we provide the necessary experience to oversee those that maybe have not got the level of experience that we have seen built up in some of our care homes here over a long period of time.

18.1.4 The Deputy of St. Ouen:

I do not anticipate that anybody wishing to run any new health centre, health facility that may be established during this current crisis, will be somebody new to the industry. It will much more likely be somebody who is already in the position of being a care provider and knows the regulatory regime under which they would operate normally. We are envisaging hotels, or other lodging accommodation, might be used temporarily during this emergency. Now, of course, the care regulations would normally have requirements around space for residents and facilities available for them and hotel regulations might be different to that, so these Regulations would disapply the normal rules but, of course, we would always ensure that any facility that may be used for this purpose would put the care of the patients first. This is our whole ethos and emphasis here, to look after our Islanders to the best extent we can, so this is not trying to deregulate and get around regulation. It is just applying an emergency provision that we can foresee might be needed and allowing it to be set up as soon as reasonably possible and, in my view, it is most likely to be an existing health care provider in the Island.

The Bailiff:

Sorry, the Deputy of St. Ouen, if you would return, thank you and there is a point of clarification sought from Deputy Ward.

[15:30]

Deputy R.J. Ward:

Sorry, Sir. I am a little confused by what was just said. This seems to be about the regulation of those who are working in a care home of some form, but the last comment seemed to be about extending current providers into different accommodation, so is this about the accommodation, or

the people? Because they are 2 things. Surely, if it is about the accommodation, the care home provider already has the certification and the registration that is necessary, so I was somewhat confused by the comments that were made then and I think it is really important that we get this clear before we proceed and I hope that is a point of clarification. I think it is.

The Bailiff:

It is a point of clarification for the Deputy of St. Ouen. Deputy, are you able to clarify?

The Deputy of St. Ouen:

I apologise if I have sown confusion. I do not have the Regulation in front of me just at the moment and I am not the one who has been briefed in detail on this, so I will defer to Deputy Guida, if I may and if I have misunderstood what he has proposed may I apologise to the Assembly.

18.1.5 Deputy K.G. Pamplin:

Again, I reiterate what I said when I spoke on the previous legislation, that I have been undertaking scrutiny of this very important Regulation and I remind Members that again there is no legislation for adult social care, so there is no statutory visits, or processes for review, however best practice is in place. So, again, I ask the Assistant Minister for some surety. Are you able to confirm whether care plans and regulations under this Regulation, so we are talking about the health and safety and the checks needed in requiring and setting up an emergency new care facility, will be continued in some form or other, or will they be relaxed completely? Will there still be an expectation on the Minister to continue to assess and meet the assessed needs without the J.C.C. (Jersey Care Commission) being able to fully as we know, as explained in the comments paper with this Proposition? I also refer to 2.5: "It should be noted that the draft Regulations do not permit existing care home and adult day care providers to de-register. These providers must remain registered. However, if COVID-19 prevents providers from maintaining requisite regulatory standards in certain key functions, the J.C.C. would be able to provide them with a degree of additional flexibility under the Draft Regulation of Care (Standards and Requirements) (COVID-19 – Temporary Amendments) (Jersey) Regulations 202-." Again, can the Assistant Minister reassure us as an Assembly and those care providers what those flexibilities will be? Because, relaxing certain regulatory standards is a risk in terms of safeguarding and managing a new pop up care provider, or one that is needed in addition. Again, these are all risks that we need to put out in the open to offer reassurance in how this is going to work.

The Bailiff:

There is a question up on the screen, which has been given to us remotely by Deputy Tadier and this is to test out the system that we would hope to apply in the future when our numbers perhaps thin out and other Members are participating from outside of the live sitting. I would ask the Greffier to read the question, which I believe to be a question for the Attorney General.

18.1.6 Deputy M. Tadier of St. Brelade:

Presumably, police checks will still need to be provided, but will they just be able to employ the new staff in the intervening period?

The Bailiff:

Are you able to assist, Mr. Attorney?

The Attorney General:

Could the question be read again, please, because I cannot see it?

The Deputy Greffier of the States:

Presumably, police checks will still need to be provided, but will they just be able to employ the new staff in the intervening period?

The Attorney General:

I am not sure I can give that confirmation, because it is a lengthy law and in the limited time and the Regulations with the limited time I have had available to look at it, it seems to me that the Regulation, insofar as it applies to the workers, is policed by the Care Commission, so in terms of... while one would hope, yes, the staff who are employed by these proposed new establishments would have the requisite police checks carried out in terms of enforcing that, I am not sure who would do it, because it seems to me that the Care Commission does not have a regular supervisory jurisdiction over such workers. That is my preliminary view. As I say, I have not had a huge amount of time to scrutinise the Law but that is my preliminary view. I hope it assists.

The Bailiff:

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

18.1.7 Deputy G.C. Guida:

I have noted the concerns and the only thing I can do is acknowledge them. You are absolutely right; there are issues with these Regulations. We are talking about something that is written in an emergency and with a lot of urgency, as well. This is about accommodation. We are not talking about staff anymore and the intention is indeed to provide more space either for our own States health system, or for existing organisations, without having to go through registration with the Social Care Commission. Wherever they are situated, or located, they would still have to satisfy every other rule that already exists, so health and safety, fire and all that of course will continue to apply, but they just would skip the registration with the Commission. I do accept, having looked at it very carefully, it is a short Amendment, I do accept that it is probably too open and the only thing I can offer today is that we could amend it this week and have that ready for Friday, so that we make sure that we are talking about existing entities, or the Government itself and not just open it to any entrepreneur who wants to turn their hotel into a care home. That is all I can say.

The Bailiff:

Do you maintain the principles?

Deputy G.C. Guida:

I maintain the principles.

The Bailiff:

Those Members in favour of adopting the principles kindly show. The *appel* is called for, the *appel nominal* [**Inaudible Aside**] of the? ... I am afraid not, Connétable, because I have closed the debate and the *appel* has been called for. We are now in the voting phase, I am afraid. Yes. Just to assist, sometimes it is difficult to hear when people are saying *pour* or *contre*. If someone is intending to vote *contre*, could they please at the same time raise their red card? That will be of assistance to the Greffier, who will have to keep a note of that, if Members would do that. No, I am afraid we have not got a green card, Senator. Perhaps that is what we will do, and we will have an amber card for abstain, but ... I am sorry, Connétable, did you wish to say something? [**Inaudible Aside**] No, I am afraid we have now moved into the voting phase and the time for those sorts of clarification I am afraid has now passed but I am sure the Minister can clarify in the margins of the meeting, should you ask him to do so. Anyway, can we call the *appel nominal*?

POUR: 34		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Deputy M.R. Le Hegarat (H)		
Senator L.J. Farnham		Deputy R.J. Ward (H)		
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				

Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Do the Corporate Services Scrutiny Panel wish to scrutinise this matter? How do you wish to propose the Regulations in the Second Reading, Assistant Minister?

18.2 Deputy G.C. Guida:

En bloc, please, Sir.

The Bailiff:

Are they seconded? Does any Member wish to speak on the Regulations in Second Reading? Those in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted in Second Reading. How do you wish to deal with the matter in Third Reading, Assistant Minister?

18.3 Deputy G.C. Guida:

Yes, please, Sir.

The Bailiff:

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

18.3.1 Deputy R.J. Ward:

There was a mention by the Assistant Minister and I agree with the Constable, there was a mention about this being brought in a better form, the clarity with regards whether it is any new provider, or those that already exist, which may just be increasing their provision in another accommodation and

so on. I think it is very important that that is brought back to the Assembly, even as a comments paper, so we are clear on what is going on here. At the moment I am afraid I cannot vote for this, without that guarantee, because I do not think the legislation is clear in that way and I recognise the speed at which this has been produced and the difficulty we are in. I absolutely recognise that, but that is my concern and I think it is important that you know about that.

18.3.2 Deputy K.G. Pamplin:

I just ask again to the Assistant Minister what will the Government be doing once these Regulations are passed in communicating this to the care providers and the care home facilities, so that they have it in black and white, simple to read, either in brochures, pamphlets or online? It is all well and good us doing what we are doing today and the Government doing what they are doing under extraordinary circumstances, but the people that really matter and need to know this are the people who run the care homes and their staff. So what will, on all of these Regulations and I urge all Ministers talking today, how are you and what are you going to do to reassure us that this is going to be communicated through to the people who will need this quickly, because this pandemic continues outside of us?

The Bailiff:

Does any other Member wish to speak in Third Reading? I call on the Assistant Minister to respond.

18.3.3 Deputy G.C. Guida:

I would like to thank Members for their support and I would also like to answer to Deputy Ward and Deputy Pamplin that they are absolutely right; this is a very weak Proposition. It has not been padded up with all the safety that it needs, but as I read it we are talking about an alternative to marquees full of cots and that is a very strong image for me and that is what we are trying to avoid. We are trying to make it possible for the Government itself to relocate people in hotels, or lodging houses in places where they can be better cared for. I will endeavour to bring more text and possibly an Amendment to this Assembly by this Friday and I maintain the Third Reading.

The Bailiff:

So maintaining the Third Reading, those Members who are in favour of adopting? The *appel* is called for.

[15:45]

Deputy K.G. Pamplin:

Sir, may I ask for a point of order or a point of clarification? I did not have time - and it is so weird in this set up – I was seeking clarification the Assistant Minister did not answer my question of what he will be doing to pass the information to the care providers once this Regulation is passed. He just did not answer it.

The Bailiff:

Well, I am afraid the time for seeking a point of clarification on this ...

Deputy K.G. Pamplin:

I know. I was just trying to ...

The Bailiff:

... has passed and I fully understand your point, Deputy, but perhaps you can take that up in the margins of the meeting when the meeting has closed.

POUR: 34		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Deputy M.R. Le Hegarat (H)		
Senator L.J. Farnham		Deputy R.J. Ward (H)		
Senator J.A.N. Le Fondré				
Senator K.L. Moore				

Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

19. Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- (P.28/2020)

The next item is the Draft Public Finances (Amendment of Law) (Jersey) Regulations 202-(P.28/2020) lodged by the Minister for Treasury and Resources and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Finances (Amendment of Law) (Jersey) Regulations 202-. The States make these regulations under Article 55 of the Public Finances (Jersey) Law 2019.

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

May I ask your permission to ...

The Bailiff:

Please do sit.

Deputy S.J. Pinel:

I can try to stay upright out of respect for yourselves and the Assembly, Sir.

The Bailiff:

No, if it is more convenient to you, please do sit but it is a matter for you. You are very welcome to sit.

Deputy S.J. Pinel:

Thank you, Sir. These are uncertain, demanding and frightening times in which we find ourselves and they call for unusual measures. The coronavirus pandemic is already having a significant social and financial impact on the lives of Islanders and businesses and presents a significant level of challenge for Jersey's economy. As a Government, we must be able to respond rapidly to ensure that as an Island community we are able to get through the situation. The scale of the ever changing situation brings with it many challenges and I am very aware of the burden that this is placing on Islanders and businesses alike. As a Government, we must be able to act quickly and provide financial support as and when it is required. States Members will have heard the announcements made by members of the Council of Ministers on the initial plans for supporting Island businesses and individuals through the current crisis, including a package of business support worth £180 million to maintain the Island's current and future economy and prosperity. We are deferring all G.S.T. payments and social security contributions from employers and employees for the next 6 months and we are introducing loan guarantees to support businesses. We are waiving G.S.T. on supplies of staff between businesses and speeding up the Government's purchasing processes to make sure we do not delay in ordering what is essential. These initiatives and the fact that overall States income has fallen substantially, just like that of Governments on a global basis, means that we need to be able to borrow, so that we can have the cash needed so that we can meet our financial commitments. Last week, we announced the co-payroll scheme to provide £200 per employee per week in designated sectors, so that we keep people in employment and ensure they do not have to worry about their basic needs. I understand that this is a start to keep people in employment and support employers. We now need to get on with providing the financial support required by these areas and deal with the mechanisms required to put them in place. This is why I stand - or sit - here today asking you to approve these Regulations. To be clear, without the changes in these Regulations, we will not be able to provide the much needed financial support and assurance to address the effects of the COVID-19 pandemic that have already been announced and any further necessary interventions from Government that Islanders and businesses need. Members will also be aware of measures being announced by other jurisdictions and calls on-Island for more urgent support to be announced. The Amendments to the Public Finances Law, which I am asking you to support, will help us to keep developing this much needed financial support. Currently, public finances in Jersey are very strictly governed with the States Assembly having a high level of control, exercised through their own decisions and the Public Finances Law. Currently, all major decisions on spending, borrowing and lending require States Assembly approval. In 2019, when this Assembly approved the current Public Finances Law, we agreed certain limited provisions which could be enacted in cases where a state of emergency was declared, or where there existed an immediate threat to the health or safety of any of the inhabitants of Jersey to the stability of the economy in Jersey, or to the environment. At that time, these provisions may have seemed generous. In the current financial situation, these provisions give some limited flexibility, but they are just not wide enough to provide the financial support and stability that the Island now needs. In order to be able to fund these initiatives already announced and further support measures for Island businesses and individuals, we need to ensure we can afford them and we need to be able to do that urgently. This means that, for a time limited by legislation, we need to greatly increase the powers of the Minister for Treasury and Resources. The Amendments to the Law give me enhanced powers which take effect either when a state of emergency has been declared or when, as Minister for Treasury and Resources, I am satisfied that there exists an immediate threat to the health or safety of any of the inhabitants of Jersey, to the stability of the economy in Jersey, or to the environment. I am satisfied that this situation exists and intend to sign a Ministerial Decision to that effect in the next day or so. These enhanced decision making powers are only actionable by myself and my 2 Assistant Ministers in agreement with the Council of Ministers, not by officers and they only apply in the 2 situations I have just highlighted. When the emergency has passed, the powers fall away, although some of the borrowing, lending and guarantees entered into may still be in place for some time. The Amendment to the draft Regulations makes clear that that will be the case. The Law will also require me to revert back to this Assembly before 30th September if I wish to continue operating under these powers. I know that some of you may find the figures detailed in

these Amendments dauntingly high, but we are in difficult times and we need the changes to ensure that, as a Government, we can move liquid assets, cash or equivalent, to where they are most needed, borrow if we need to bolster those liquid assets and spend or commit resources very quickly. Delays of even a day can be critical at this time. The proposals assist us further as they alleviate the need to sell financial assets at a time when their value is reduced, because of global financial market levels. Just because these enhanced powers have been included in the Law does not mean that they will all be exercised. It is very possible that not all of the measures will be needed or used, but we need the flexibility to decide what to do and to do it quickly. We just do not have the time for all decisions to come back to this Assembly for ratification. I will, however, present details of all schemes that are agreed to be met from the increased funds as and when they are agreed. Any funding provided will be subject to suitable governance arrangements and full reporting back to this Assembly on a 6 monthly basis, as currently required by the Law. I am determined that any money allocated will support those affected by the current COVID-19 pandemic and not support issues related to other underlying economic issues. As I have said, further recognising the possible concerns of Members over the proposals, the Regulations introduce a requirement for me to report back to the Assembly before the end of September 2020, stating whether the provisions of the Law are still required. Together, these measures will enable me to take swift and appropriate action on behalf of the Council of Ministers and the Island to protect and support Islanders and businesses in an unprecedented and rapidly evolving emergency situation such as that brought on us by this COVID-19 pandemic. In addition to responding swiftly and appropriately, we must also be very aware of a protracted, economic, medical and community recovery over the next year to 18 months. This will require funding stimulus pull us in many directions. I propose the principles.

The Bailiff:

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

19.1.1 Senator L.J. Farnham:

Can I thank the Minister for Treasury and Resources for the tremendous work that her and her team and Assistant Minister have been doing in helping put the schemes together? The schemes have been announced in 3 *tranches*, due to the fast and moving nature of this economic emergency. The schemes in place are clearly not going to be sufficient and might well have to be rethought and indeed there is a meeting this afternoon to discuss how the support to business and people might be enhanced. We simply have to provide assurance to businesses and the self-employed right across the economy, all the sectors that are bearing the brunt of the coronavirus outbreak. Our highest priority has to be to get cash into those businesses and to the self-employed and to the sole traders as soon as we possibly can. We cannot allow hundreds of bankruptcies. We cannot allow thousands of redundancies. If we do, we risk serious damage to our critical economic infrastructure. If we allow that, the recovery, when it comes, will be much harder. People are unsettled; they are unsure of what to do now and they are uncertain about their futures and about their livelihoods. Supporting the economy, supporting business, is supporting people. It is supporting jobs. I know all Members will want to do that. Doing this, as the Minister for Treasury and Resources has outlined, is going to require significant funding, but I would ask Members to remember, while retaining the prudence that Islanders and this Assembly is well known for, must remember that cash we can raise again in future taxes, economies we can rebuild, lives and livelihoods we cannot.

[16:00]

19.1.2 Deputy L.M.C. Doublet:

Am I able to ask a question of the Attorney General on this area, please, because I am trying to understand and I have been getting a lot of queries from businesses, particularly in sectors such as private nurseries and they are trying to understand whether they should still be asking for money as per contracts that they have with people, or should they not be asking for that money, because they are no longer providing a service and should they be seeking to obtain some money from the money

that is going to be released? What I want to know from the Attorney General is, where businesses are no longer providing a service, as I understand it we do not have any contract law, so are those contracts enforceable where the businesses are no longer providing a service and how does the Consumer Protection Law impact on this area?

The Bailiff:

The question for the Attorney, Deputy is... which contracts are you making reference to?

Deputy L.M.C. Doublet:

So, where an individual has a contract with a service provider that they will provide payment in return for a service and that service is no longer being provided, there are some businesses that are saying: "Under the terms of our contract you are still required to pay us." I know that there are some private nurseries that are still requiring parents pay for childcare that is no longer being offered. As an aside, I know that some people will continue to provide that payment, because they want the nurseries to continue to run, but some families cannot do that. So, what I would like to know is: are those contracts enforceable, given that we do not have a Contract Law, and does the Consumer Protection Law impact on this at all?

The Bailiff:

Are you able to provide general advice in the form requested, Attorney?

The Attorney General:

I am; although I am not sure how this relates to the Proposition, but I can provide general advice. Contract law does still exist in Jersey; it has existed and it still exists now. It is unchanged by the virus. Obviously, the ability to come to court to enforce contractual rights in private disputes may be subject to delays due to the need to reschedule court business and I will take this opportunity to say to Members that there will need to be legislation that will need to be considered by this Assembly to assist the courts in adapting to these circumstances, but in terms of contract law that continues. While our contract law may be largely customary law, in that it is not the subject of a statute, there were one or 2 exceptions, such as the Goods and Services Law, which deals with matters such as dealing with consumers. But contract law continues. In relation to the Deputy's question concerning the ability of nursery providers to continue to charge fees to their clients in circumstances where nurseries are now shut; those are primarily private law matters, so much would depend upon the terms of the particular contracts that were operated by the nursery providers that had been signed up to, whether in writing or orally, with the particular clients, so much would depend on the terms of those contracts. There may be some arguments that would be available to clients of the nurseries that there had been a fundamental breach, in that services were no longer being provided to clients by the nurseries. There may also be arguments around *force majeure*; that there is a wholly unusual circumstance that has arisen, which totally negates the contract. But those are essentially private law matters and I think, other than that general advice, I am unable to give any definitive advice, because much depends on the terms of the contracts and those may vary from case to case, but I hope that assists the Deputy with her question.

Deputy L.M.C. Doublet:

Can I just ask about the Consumer Protection Law and is there any protection for individuals who are no longer ...

The Bailiff:

I have allowed the first question to the Attorney, but I think he rightly foreshadowed that it is difficult to see precisely how it relates to this Proposition, which is under the Public Finance Law for certain powers and abilities to be made. Clearly, the Attorney can be asked anything that relates to the Proposition, even tangentially, so could you assist me with explaining how it is relevant to the Proposition?

Deputy L.M.C. Doublet:

A lot of the queries I have received over the last few days relate to this matter and businesses are trying to make decisions over whether they do still require payment from people where they are not providing services, so people are watching to see what happens with this money that is going to be available if we do pass this Law. So I feel I need answers to these questions, perhaps it is not just from the Attorney General; I think I have a question that I want to put to the Minister for when the Minister sums up. But it does relate to whether this is going to be sufficient, or whether families are still going to be out of pocket.

The Bailiff:

Attorney, is there anything within consumer protection legislation, which could touch upon whether or not businesses can take comfort, or should need to take comfort, from the legislation that is currently before the Assembly? Does that sufficiently summarise your question, Deputy?

Deputy L.M.C. Doublet:

It is protection for the consumer that I am interested in over should businesses be pursuing these contracts, or should they let it go and expect to be helped by the money we will be releasing with the Public Finances Amendment?

The Bailiff:

I am sorry, Deputy, I think that the Attorney has already indicated that these are matters of private law between individuals; they are not matters of general public application, everything will depend. The Attorney cannot be in the position of giving private legal advice, in effect, to members of the public in connection with a matter such as this. So I do not allow that question.

Deputy L.M.C. Doublet:

That is fine; I accept that. May I continue with a brief speech?

The Bailiff:

A question to the Minister, yes, indeed.

Deputy L.M.C. Doublet:

Yes, so the Minister might be able to help and give some general guidance to businesses because I am sure neither businesses nor individuals want to find themselves in a position where they are having to go to court down the line, so perhaps the public and the business owners would appreciate some clarity. It is not just private nurseries; there are other businesses, for example gyms, that are having a similar type of contract where you pay monthly for a service. Should these businesses be pressing the people who they have contracts with, should they be pressing them for payment, or can they have some comfort in the fact that we are releasing this money and there will be support for their business and they do not need to pursue their customers for the payments, even if they are entitled to do so as part of their contracts?

19.1.3 Deputy D. Johnson of St. Mary:

I apologise in advance if the Minister for Treasury and Resources has already explained this in her introduction. I fully, of course like most Members, support the requirement that we do provide funds to assist members of the public in this difficult time. Could she simply clarify that in making this change there is no requirement to produce cash from the Consolidation Fund and that we can instead raise money against assets held within it so that we are not selling our assets when the market is at a low ebb?

19.1.4 Senator K.L. Moore:

Many times before this Assembly we have asked, or been asked the question whether now was the time; now was the rainy day and I think sadly today it is very clear that as an Assembly we recognise

that rainy day has come. Firstly, it is a moment to be grateful for the strength of the economy and the actions that our predecessors have taken over successive years to ensure that we are in this position. We should recognise that, particularly as we find ourselves, 75 years after the dark days of Occupation, acknowledging the speed with which our economy was recovered and bearing in mind that these Amendments and measures, while we are grateful to the Minister for outlining they are a temporary measure, they are here to ensure that we use the benefits of our position in order to progress and move forward, so that our economy can return to a good state and a strong state just as our predecessors achieved in years gone by. So we are grateful to the Minister for accepting out Amendment to this Proposition. It is important that this Proposition is also time measured in order to exemplify the need to progress and move forward after this period of time. However, we do acknowledge that in her speech the Minister made mention of the need to be swift and we are here as Scrutiny to offer that check and balance and challenge during that swift process, without the need to recourse to the Assembly here, but we will ensure that we maintain an overview of the decision making that is underway and keep in touch with the many members of the public who also have views about how funds should be used and prioritised to best enable our economy to recover and progress at this time. We also are grateful to the Minister and her team for confirming that, rather than using or liquidating some of our stocks that are currently rather volatile, we are taking a rather unusual step, which is somewhat against our D.N.A. (deoxyribonucleic acid) as Islanders, but turning to the idea of borrowing and that is a notion that the Corporate Services Panel accept and understand and we acknowledge that this decision has been taken in a very timely way and is proportionate and necessary at this time.

19.1.5 Deputy J.H. Perchard:

I would just like to start by saying that I am incredibly pleased that this money is being released if this passes today, which I am sure it will and I hope it does. But also to give the backbencher perspective again and say to the Government that backbenchers will now, should this pass, expect to see immediate, swift and targeted, financial assistance for those who find themselves unemployed or unable to work as a result of being instructed to self-isolate. I know that officers and indeed Ministers are working all hours at the moment, but it is really important that swift action to implement that, to get the cash out, as Senator Farnham has stated, happens now because, from a Scrutiny point of view we do feel, a lot of backbenchers who I have been talking to, have been feeling that we have just had to sit and wait for the Government's response because we did not want to get in the way of responding to an emergency, but now is the time that we hope to see that swift action. The Minister alluded to schemes we have seen elsewhere and she was absolutely right, we have all been comparing ourselves to all the different places around the world and again it is indicative of the importance of clarity and communication with backbenchers about what actions are being drawn up, because the reason why we might say to Ministers: "Why are you not paying 80 per cent of people's wages who are unemployed due to coronavirus as we have seen in the U.K.?" We are obviously going to ask those questions if we have no idea of what the Ministers and the Government are putting together themselves and what they are hoping to achieve with the release of these funds. I hope now that this is being debated that conversation will happen a bit more openly and fluidly.

[16:15]

We are here to collaborate as well as be a critical friend and in a time of emergency everyone has been saying we really must pull together and use the resources that you have in the Assembly and there are many backbenchers who are keen to fully understand, to be fully informed, to have the accurate information and data and to be well-researched before bringing Propositions. But we will bring Propositions if necessary, because we really, as much as the Government does I am sure, want to see the support getting out there now because people are already losing their jobs. So, we do expect the conversations to be happening; we want to understand why we can or cannot mimic other places. Why can we or can we not offer 80 per cent of a wage? Why can we or can we not excuse people from paying their mortgages? We have the same questions that I am sure the Government are

asking themselves, but we are not getting the discussion and we are not getting the answers. So, I really hope that this Proposition is a foundation for those conversations to be clarified to backbenchers, so that we can support the Government in achieving its aims swiftly and effectively for the Island. That is the purpose of Scrutiny in a time of emergency; in my view it is a support mechanism and we have to ask the difficult questions and it is our job to scrutinise, but at this difficult time, at a time of emergency, we want to help, but at the present we are not entirely sure of the best way of necessarily doing that. In particular, I think what Senator Farnham said about livelihoods and lives is fundamentally important. This is the Public Finances Law and there has been some criticism from members of the public, who sometimes criticise us for talking about the economy and then talking about health, as if they are 2 different camps and you are either an economy politician or a health politician, you either care about people, or you care about the money. That is not the case at all. What the point is and the release of this money is fundamental to this point, is that the economy and the lives of people and the livelihoods of people are intrinsically linked to our ability to care for each other. If we cannot pay doctors, we will not have enough healthcare professionals to look after our population. That, for me, is the fundamental basic link; the economy funds the healthcare and if we cannot look after the economy, then the healthcare will not be there and that is my understanding. I hope that the intent is to take that ideology, press ahead with immediacy to support businesses, because behind every business is a person and a whole raft of people who make up our citizens and our Islanders.

19.1.6 Deputy G.J. Truscott:

I will take my scarf off and make myself presentable. These are tough times without question, unprecedented and I have had a number of conversations with small businesses and quite frankly they are absolutely desperate; they are in meltdown mode. So far to date it would seem that the only assistance that has been offered by the Government to these beleaguered companies is the deferment of G.S.T. and social security payments, which I am sure is welcome, because I have been a small business owner and I know how difficult it is; it is all about cash flow; it is about money in/money out and hopefully between the 2 you are making some profit down the way. But so far it seems that businesses are only being offered debt to finance their survival and I think that is something I hope the Minister can take on board, because there has to be some other measures that we can consider that will help alleviate this. Because, when you look at what Boris Johnson introduced last night, it was closing all non-essential businesses and shops. That is it; there is no cash flow, it is just all outgoings, you have rent, you have wages and all the other things. It is desperate for small businesses. So I would like the Minister perhaps just to put some meat on the bones, so to speak, to see what more we can do for our local businesses to help them through this period. We do not know whether this is going to be a 3 month short shock, or whether it is going to be an 18 month period of desperate measures and I am hoping plainly for the shorter one, but we just do not know, until a vaccine is out we just do not know. Senator Moore mentioned, yes, thank heavens for previous politicians who had that very good idea of establishing a Rainy Day Fund because, quite frankly, had we gone like a lot of other nations around the world and spent money, been in debt, we would not be in this very envious position where we can address the fundamental problem facing us with a bit of confidence, so we have to thank previous politicians; that Jersey way where we put some money aside for a rainy day and quite frankly it is not just raining, it is pouring outside, in fact it is cats and dogs. There is a tidal wave of water pouring on us. So I think it is important we support the businesses locally, very much so, they are effectively locked down the way things are, people are not coming into the shops, spending money, so we do need to do something to help them going forward. I agree, we do need some checks and balances, it is a large chequebook that you are going to be presented with this afternoon, Minister and we will need to, as an Assembly, understand the logic, the theory behind spending going forward, so that is so important that Scrutiny keep an eye on it, but I will be supporting you this afternoon, Minister and I would just like to hear back from you the way forward.

The Bailiff:

There are still Members to speak but I will ask the Greffier to read into the record 2 questions, which have been asked of the Minister and which appear on the screen.

19.1.7 The Deputy Greffier of the States (*rapporteur*):

“The Regulations the Minister proposes are to be welcomed; cash is desperately needed across the economy immediately, but, if approved, how quickly will the Minister be able to act in any particular situation? If we approve this Proposition, how quickly are the changes enacted?” Also, “how much of the £500 million the Minister is intending to borrow and how quickly is she expecting to receive the borrowed funds”?

19.1.8 Deputy R.J. Ward:

I agree with many things that have been said so far but there is one question I must ask with regards the Council of Ministers. You said that agreement for spending has to come from the Council of Ministers. I really would like to know what the nature of that agreement is; is it a majority vote, is it a unanimous vote, or are there significant members of the Council of Ministers who can vote in favour, who have a vote, like the Emergencies Council, for example? I ask that as a backbencher, because I do not know how that works and it would be interesting and important for us to know about. But I would like to reiterate something that Deputy Perchard said about us as backbenchers and I make the point that we all in this Assembly have an equal vote, regardless if you are in the Council of Ministers or not, but we do not have equal access to the information in this situation at the moment. I want to emphasise that, because we are dealing with questions daily and well into the late night of very worried people and businesses and sole traders and people who are trying to make their way, restaurateurs, takeaways, music schools, construction workers, those on zero-hours contracts and hospitality in general, are all worried about where their income will come from because overnight some are left without any income whatsoever. We welcome the quick moves that have been taken on housing and rents and no evictions; that is a practical move, but what we need to know is how quickly these things will be in place. I am finding it extremely difficult to explain to businesses that talk to me or are in our district and we speak to how they go about getting the help that is being talked about so much because it is very high level, I think the phrase is, from the Council of Ministers. But we do not want it to be high level, we want it to be right down at grass roots where people are there day to day and that is what we do not have at the moment and how this money, which I believe we will have to vote to release, will be used and what type of flexibility there is in the employment areas of this Island and will there be flexibility so that there will be some sectors that will still continue and some that will grow, retail and delivery and so on, we are going to need to look at the way we are working on this Island? What this has done, this crisis, has made us really rethink our priorities and we are seeing the priorities of those who are care and health and so on and really valuing them at last. Some of us have been trying to do that for a long time. So, I ask you please about how quickly, what this is going to look like day to day. One of the things that I used to do a lot when we were discussing anything in previous careers was to say to people: “What will it look like if you do that? What will it look like when this happens?” Because it helps people picture their behaviour and it also helps people picture the impact that they are having and I would like to ask you the same question: what will this look like for the sole trader, who makes their money teaching people how to play the guitar? What will it look like for them tomorrow and the day after when they are struggling?

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

With so many of the affected businesses being in St. Helier, I thought I should rise to briefly thank the Minister for her package of support for local business and, while I am on my feet, to echo those who have praised our predecessors who set up, not only the Strategic Reserve, but also who implemented the fibre network, which has been so important for allowing people to work remotely and, of course, to study remotely as well. There is understandable frustration and concern out there. We have all been bombarded with emails and concerns and there is a lot of impatience, but I must commend the Chief Minister and the Council of Ministers and their officials and the law drafting team for the fact that they brought forward this group of Propositions today, which do show that the

States is able to act quickly and to act decisively and we owe those teams a great deal of thanks. Also, of course, it would be remiss of me not to mention the Parishes who, with their staff and volunteers, are working very hard at the moment to provide support, particularly for those who are concerned right across the Island about how they are going to ...

The Bailiff:

Connétable, I am sorry, the States is not quorate. Could someone please ask Members to return to their seats, so that we become quorate?

The Connétable of St. Helier:

I will just repeat that last bit then. I want to thank also the Parishes who, with their staff and volunteers, have been working right across the Island to ensure that help gets to those who need it as well as the third sector and charitable organisations and the neighbourhood groups who are all pitching in this together. But to come back to the Minister for Treasury and Resources, I want to thank her and her team very much for this support. It is a lot of money. I know that there is more to come. But I am confident that she and her team are going to make sure that goes to the right people. Finally, I want to mention a number of businesses that I am aware of who have put into action their business continuity plans; they were all ready to go, worrying about a hard Brexit and I know that many companies have themselves moved to redeploy staff into lots of useful ways so that staff are offered really good choices between receiving the assistances of the States, or staying in employment, albeit in different ways. So we need to thank the business community out there and those groups that support them, like the Jersey Hospitality Association and the Jersey Retail Association and the Chamber of Commerce, who are all working hard to make sure that businesses not only survive the pandemic, but emerge stronger as a result.

19.1.10 Senator I.J. Gorst:

I would like to just follow on those remarks from the Constable of St. Helier; he is absolutely right, I for one have been overwhelmed by the number of individuals and organisations who have contacted me and other Ministers, the Council of Ministers, Members of this Assembly, offering their expertise, offering their experience and offering their support in a way that I do not think we have seen across our community for a long time.

[16:30]

To those perhaps who are still waiting for a response, or to find exactly their best place in dealing with that response, I ask them to bear with us. There is a lot of excellent work being undertaken by officials and we will start to begin to see more fruit from that work in the coming days. As Members have said, we have seen some of it this afternoon. Deputy Truscott in his experience as a small businessman rightly reminded us - and I have been thinking about this a lot - "cash is king" used to be the old saying. Of course now, during COVID-19, we are all being told not to pay by cash, rightly so, but to use our chip and pin and our credit and debit cards. But when it comes to business the principle of cash being king still remains the same. Businesses fail because they do not have cash. They might have assets that are not realisable; they might have fantastic staff, but if they do not have cash they fail. We are often told that Government is not like a business and of course it is not like a business in many respects, but in that one respect it is. A Government needs cash. We do not think about that very often, but Governments pay pensions; they pay sick pay and the Minister for Social Security knows all about that; they pay benefits; they pay suppliers; they pay staff; they pay contractors and in order to do that Government itself needs cash. So the Minister, with her team, her first task at the start of this crisis was considering cash flow and the cash that she would need in order to meet those liabilities. It became apparent from looking at the legislation in place that there were various lumps, if I might say that, of cash in various parts of the domain over which the Minister rules and that was a good thing, but she did not have the ability to be able to move that cash around to rightly pay Islanders their pension, for example, or pay Islanders their sick pay, before we even started to think about the special measures that needed to be in place to support business. That is

why we see in these Regulations a number of detailed Regulations, which are going to allow the Minister, a former colleague used to like the word, Hoover up and he used to talk about hoovering up cash from all sorts of parts of the Government. In some ways, that is exactly what the Minister is doing in bringing forward these Amendments. She is giving herself the ability to take cash from the various reserves where there are liquid assets and thereby be able to use that cash to make the payments as we have just suggested. So, the Government is absolutely alive to the fact that cash is king and that to businesses in our community also cash flow is extremely important to them. There were a number of measures that the Minister spoke to and then other backbench Members have spoken about and I will come on to those. But I say to businesses that there are a number of proposals, which have been announced and are in the process of being finalised. But businesses right now that have problems with cash flow, members of my financial services team contacted all the banks and have worked with them in a very positive way and they are broadly proposing and supporting and mirroring the proposals in their United Kingdom parent operations and that is around deferring mortgage and loan repayments for up to 3 months. So Members can talk to people who contact them about the payment of mortgages and the payment of loans to contact their bank and, as the first port of call, explain the situation that they find themselves in. Now, banks gave that commitment to my officials, we have announced those commitments, but I publicly ask those banks this afternoon to make sure that their actions are as good as their words. Just like businesses do not at this stage need to wait for all the finer details of the announcements for business support, so banks should not be waiting for the Government Loan Guarantee Scheme; they should be as good as their word and giving businesses deferment on their mortgages and their loan repayments and they should be providing emergency funds with no fees, as they said they would and they should be increasing cash withdrawal limits, as they said they would. I trust that they will do that. But Senator Farnham announced a number of schemes and has announced them over the last few days as it is. First he announced the deferral of social security contributions and G.S.T. payments. That is worth, to the economy, about £80 million. He then announced a further £100 million package, which I accept is further lending. There is the guarantee scheme that businesses can access and the Government will be underwriting 80 per cent of those guarantees, with the banks underwriting the first 20 per cent if there is any loss. He then announced the Special Situations Fund, another £50 million and that is thinking about critical national infrastructure. The terms of reference of that scheme may need to evolve. The Treasury Department acknowledge and accept that. The reason I started talking about cash is because there are a number of phases to the crisis that we are now facing and we could, as some Members have suggested the Minister should do today, spend lots and lots of cash in the opening phases of this scheme. So far £180 million announced plus the £200 co-payroll payment, which is currently defined to the specific sectors that the Minister announced, for individuals who remain on the payroll at the end of March and then again at the end of April and that was a temporary provision to endeavour to get money into Islanders' pockets and to keep them in employment where that was possible. Those first payments of the £200 are due to be made when businesses have submitted their return and I would expect them to be made within one or 2 days of the month end and that speed of payment of cash is really important. Senator Farnham, of course, is the voice of business in the Government and he continually wants us to be thinking about how those schemes are working and whether there is more value we can get out of the support that we are providing and, as he rightly says, we have further meetings on those schemes. But we also need to remind ourselves that we must have money as well for the recovery phase. Some officials are already starting to work on that recovery plan and that recovery phase. Be in no doubt, even though we will spend many millions of pounds in this particular phase supporting Islanders and I have not even come on to the amount of millions of pounds that the Minister for Social Security will be spending, but even though we will be spending many millions of pounds in this phase, we will also require millions of pounds on the recovery phase. So the Minister for Social Security generally in a good year spends about £70 million on income support. We know in Government and she knows and her officers are working incredibly hard, that number is going to exponentially rise. So, part of our policy and strategy is to keep Islanders in work where possible with real financial support, as the Minister for Economic Development, Tourism, Sport and Culture

said, what is currently on the table will need to be revised and thought of as the situations and circumstances of the crisis and Islanders' situations and business situations evolve and we will do that. But we also recognise that, even where Islanders are kept in work and they have been employed for more than 5 years, as their wages reduce, their hours reduce, they will be entitled to income support without us doing anything. That will, therefore, increase the amount of money that we need to pay in income support as well. That is before we have even started talking about the under 5 years. We have discussed the possibility of introducing that £200 to the under 5 years as well, but the general view yet - and this has not been formalised - is that for under 5 years accommodation and rent costs, as well as living costs, will be critically important and that is why the Minister said that she and her officials are working around the clock to firm up proposals in that regard, as well. I think it was Deputy Morel who asked: borrowing, how quickly? I am not sure whether he is asking that because he has already in his mind spent it, or he just wants to know how quickly we can move. The Minister is not... she can speak for herself, of course, I am merely a lowly Assistant Minister, the current thought is that we do not need to borrow all of the £500,000 on the same terms. It would be prudent at this stage to borrow possibly half on short-term lending with the banks and possibly the other half on a longer term. Of course, the longer the term that you go out to the market for, it will take you slightly longer to get that lending on the books, you are probably talking for a long-dated bond, 20 or 30 years, 6 to 8 weeks, so that would take longer, but the shorter-term element can, of course, be done on a credit facility and that can be done in a much shorter time period. But once we approve these Regulations, it will allow the Minister to move cash around in a much speedier and responsive way. For my part, I have been party to a number of Council of Ministers conversations, Competent Authorities conversations, conversations with health officials, advising Ministers on the model and I have been particularly struck - and he is not in the gymnasium right now - but I have been particularly struck by Deputy Ward and a number of other backbenchers, who have been working 24/7 endeavouring to answer Islanders' questions and they have been finding that really difficult because of the flow of information and the connectedness with the advice. I am really struck by that because, without a doubt, all 48 [49] of us are the Island's representatives and we will manage this crisis well together, or we will pull ourselves apart and it is critically important that we manage this crisis well together, as the Minister for Treasury and Resources is then endeavouring to do.

[16:45]

I know that, on behalf of my Treasury colleagues, we are very open to having conversations and receiving ideas from all Members of this Assembly, because not one individual, be it Minister, politician, or civil servant, has all the answers to all of the questions. We must listen, we must accept criticism where it is rightly due, but we must work together on solutions. We must, as we are providing those financial solutions, keep that constant balance and I will refer again to Senator Moore, that constant balance of dealing with the health crisis, dealing with lives and dealing with livelihoods, because this is not a short-term crisis, the immediate crisis is and that is why we have to carefully balance our decisions about the financing. Firstly, this will allow the Minister to make sure she has the cash to do what is required; but it will also allow her to come forward in due time with a recovery plan that has real ideas and real money behind it and it will allow her to work with the Minister for Social Security to make sure not just those who maintain their employment and remain in business have a livelihood and a future, but also those who need the support of the Minister for Social Security to have money in their pockets and to survive this crisis and to survive this crisis well. This is the biggest challenge I think that many of us in this room have ever experienced and I am absolutely convinced that if Members support the Minister for Treasury and Resources today and give her this flexibility, we will be taking another step along the road to, contrary to what some might think, managing this crisis well in the way, Sir, that you suggested we should in your opening remarks today.

19.1.11 Deputy K.G. Pamplin:

I would just like to echo the words of the previous speaker and, as one of those backbenchers who is regularly talking to our constituents, can I urge all of us to continue doing that, because there are some very worried people on this Island, but also very resolved and looking forward to working with us in the months and year ahead. Returning to the Proposition, I ask of the Minister for Treasury and Resources in her summing-up just on 1.2: “The proposed Regulations, if approved by the Assembly, will enable the Minister to make these decisions in a timely manner.” Just what that “timely manner” she envisages that to be, once this is approved, of moving these things around and how quickly the cash and the money could be made available. Secondly, I speak on behalf of the charity sector now, we have, as everybody knows, hundreds of charities on this Island and they do an incredible job based on the volunteering and the fundraising by this Island. The impact on the charities is obviously money has become even tighter to continue donating and supporting these worthy causes. Some of these incredible charities have reserves; obviously they will be making those decisions that we are talking about States reserves. Will the Minister for Treasury and Resources and all relevant Ministers meet with the bodies who are wishing to meet collaboratively to look at funding mechanisms? I talk of Jersey Hospice; I talk of the Jersey Cheshire Home; I talk about our vital charities that are there for, again, our vulnerable members of our communities. Lastly, I want to return to health, in our last States Assembly sitting, I asked the Minister for Health and Social Services that, if our health providers, be they States providers in our General Hospital and our care providers, plus the work going on behind the scenes to co-ordinate with our primary care, the money that they need is there for them without thought; that they do not have to worry in the weeks ahead they do not have the money there if they are running out of the equipment they need. Will there be an opportunity in this process to ring fence money and it can be reviewed, for our health service, our front line service. We have all seen the images across the world, in Italy and Spain, now in the National Health Service of the United Kingdom, where suddenly, when they are hitting the peak of this wave, resources become very limited. I echo that in the words of Dr. Michael Ryan, Executive Director of Health Emergency, who has said many times you must react quickly; you must interrupt the chains of this transmission, speed trumps perfection. The greatest error is not to move. Be fast and have no regrets. I urge this in this Proposition, as well.

19.1.12 Deputy G.P. Southern:

I shall be brief, but all afternoon I kept on hearing the words “business”, “sole trader”, *et cetera*, and here we are in a moment of crisis where the Government has to pick up the mantle as the insurer of the last resort and effectively our request is that we keep the economy going. I remind the Minister for Treasury and Resources that while her attention may be on business, sole trader, *et cetera*, that in fact the quickest way to support the economy anywhere is to make sure that the worker, or the ex-worker has money in their back pocket to spend and in that way the money circulates. So, let us not forget those workers who today, tomorrow, the day after, will be losing their jobs, simply told that they are no longer required - those on zero, or minimum, hours contracts, who feel completely and utterly vulnerable - and let us make sure that we cater for that particular element of our society as well as business.

The Bailiff:

Does any other Member wish to speak on the Principles? Very well, I call upon the Minister to respond.

19.1.13 Deputy S.J. Pinel:

I will not be able to respond in length to everybody’s very welcome contributions, but to whiz through. Senator Farnham, of course I quite agree and we have moved very quickly to support businesses. Obviously, we have to look, as has been mentioned by several speakers and again mentioned in my speech, to businesses, the unemployed and also, obviously, what the recovery position is going to be after this. Deputy Doublet needed general guidance to clarity with contracts, which I think the A.G. (Attorney General) gave and as far as the release of money goes, the whole essence of this Proposition is for the Assembly to agree in the first stage that we can release the

money. The Deputy of St. Mary, clarity of cash in the Consolidated Fund, I think what we are trying to say here, which I again mentioned in my speech and it is certainly in the proposals for the Regulations, is that we are not put in the position where we have to release or sell equities. We want to just release the liquid funds that we have in the first instance because, obviously, equities are very volatile and we do not want to be touching them when they are probably at a low value. Senator Moore, I have to thank for her comments and her support and her Amendment, with which we have agreed and, yes, nobody of course wanted to draw on the Rainy Day Fund, but that is exactly what it says it is on the tin, I think is the current thing, that it is for unexpected circumstances and emergencies and this is one of those. Deputy Perchard, swift and targeted is necessary, I could not agree more. That is why we want the Assembly to agree it this afternoon, so that we can act swiftly and in a targeted fashion and, by agreeing it this afternoon, it means we will be able to react in days as opposed to possibly next week. Deputy Truscott, I completely agree, small businesses are suffering, which is why we are pushing this as quickly as we can to help them and I will not go through all the measures that have already been discussed and provided, we need to, I agree, establish more concisely when this is agreed, I am not saying "if", as to details of what we can do to help business and those who are going to be possibly unemployed with targeted measures for helping in those situations, as well. The Deputy of St. Martin I think was on the screen asking how quickly we could do this. I have just mentioned that; we can respond very quickly. There was another question from Deputy Tadier, I think, as to why we need to borrow the amount of money that we have suggested, the £500 million. We do not need to borrow £500 million; we need the possibility of being able to borrow £500 million. That will not necessarily be spent, but we need it to help us through this current situation if it were necessary. Deputy Ward, a bit worried about the no equal access to information for backbenchers. It is very difficult to put out the information at the rate it is turning around; I think everybody will accept that people are working until midnight, 2.00 a.m. in the morning and putting out information that they have, it is very difficult to put that in a cohesive way to be public knowledge and that which backbenchers can use, but I do agree that we need to keep on top of this with possibly mentions or press releases, or whatever, every day, which I think the Comms Unit are trying to do, as well. What will it look like? Deputy Ward asked as well. I might be sitting down, but I do not have a crystal ball, I am afraid, so we are just trying to work as quickly as we can, establish what we have and put out the information as fast as we can. The Constable of St. Helier, yes, thank you to the fibre network and thank you to the Parishes and, of course, we are all very grateful and also to the staff, the other staff who are helping now with the Parishes, as well as doing their own job, so I think big thanks need to go out to them for moving so quickly and to the voluntary sector. To Senator Gorst, of course I agree with him and thank him very much for all the comments he made, which has saved me from going on for another half an hour and asking banks to stick to their words. We need more details, yes, we understand that, but we have said we will roll out the payroll scheme by the end of March, the recovery plan, which we do not know, we just have to wait and see how long this lasts, so we do not know how long it is going to take to recover, but there needs to be, as I mentioned in my speech, closing remarks, there needs to be the accessibility to funding for a stimulus to the economy for recovery. The Connétable of St. Brelade, yes, I think I mentioned that in my closing remarks, as well, that this flexibility that we are asking for and access to funds, is for the coronavirus; it is not for any other economic situations. Deputy Pamplin, he questioned the volunteer or charitable sector and yes, of course, we will meet with them and I totally appreciate that they will suffer, are suffering, as much as anybody else, plus a lot, of course, of charitable volunteers are now in an age-group where they are being asked to be very careful about their isolation situation. As the Chair of Brightly, myself, I quite understand what charities are facing.

[17:00]

Deputy Southern was the last person to speak and workers losing their jobs and the payroll; we have addressed that as quickly as we can. I understand it probably will not be sufficient, but we have started. We will carry on doing as much as we can to communicate with the public about how we

are proceeding and where we delineate what business can and cannot get the support required. So I ask or propose to continue with the principles.

The Bailiff:

Those Members who are in favour of adopting the principles kindly show. Those against? The principles are adopted. I assume the Corporate Services Scrutiny Panel does not intend to call this in. How do you wish to propose the Regulations in Second Reading, Minister? Did I understand you to say that the Amendment from the Corporate Services Scrutiny Panel you would accept?

Deputy S.J. Pinel:

Yes, we will. Thank you very much.

The Bailiff:

We will have to deal with it in due course, we can't take it as read, but that is a helpful indication. So are you proposing them *en bloc*?

Deputy S.J. Pinel:

I would like to take the Regulations *en bloc* please.

The Bailiff:

Is that seconded? **[Seconded]**

19.2 Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- (P.28/2020): amendment (P.28/2020 Amd.)

The Bailiff:

There is an Amendment from the Corporate Services Scrutiny Panel. I ask the Greffier to read the Amendment.

The Deputy Greffier of the States:

Page 7 Regulation 1. In Regulation 1, in sub-paragraph (b) for the inserted paragraph (10) substitute "(10) Paragraphs (6) to (9) expire on 30th September 2020. (11) Despite paragraph (10), where the Minister has obtained financing, lent money or provided guarantees or indemnities under Articles 26 to 28 while Article 24(8) applied, the financing, lending or provision of guarantees or indemnities remain valid and are not included in any monetary limits set out in Articles 26 to 28 as those Articles apply after the expiry of the modifications made by Article 24(9)(c) to (e)."

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

As already mentioned in my earlier speech on the principles, this is simply to offer some time limiting and an ability to review the situation as time progresses and to highlight the immediacy of the Amendment.

The Bailiff:

Is the Amendment seconded? **[Seconded]** Does any Member wish to speak on the Amendment? All those in favour of adopting the Amendment kindly show. Those against? The Amendment is adopted.

19.3 Draft Public Finances (Amendment of Law) (Jersey) Regulations 202- (P.28/2020) - as amended

The Bailiff:

We therefore return to the debate on the Regulations. Does any Member wish to speak on the Regulations as amended?

19.3.1 The Deputy of Grouville:

I would like to commend these Regulations and congratulate the Minister for Treasury and Resources for bringing these forward and working so hard to bring them forward in such short order. I hear what some of the backbenchers are saying, but this really is not a case of the Ministers *versus* backbenchers; everything is working at such a pace, some Ministers have not been briefed on what other Ministers have been doing, it is just a case of everything moving at a pace and getting a structure in place to support our community. These Regulations might not sit easy with us all, because, historically, we have been a community that has been very prudent. We have a Rainy Day Fund mainly because our predecessors have been so prudent in putting monies away, so borrowing does not necessarily come easy to us. But the whole world is going to be borrowing vast sums of money and it is best to get there first and issue 10 to 30 year bonds denominated probably in sterling and possibly euro of those rates are much lower, gilts are going to have to be sold and sums raised, so that we can support our community at this very difficult time. The community will be supported in such a way, not to the extent that some might expect or look for, we are all going to be poorer for this situation and it is going to continue for the foreseeable future, probably at least for months ahead of us. So, we are preparing and I feel we have to really pull together at this time and work together as a whole Assembly, not different parts of it, we have to all pull together, pull to our strengths and our skills. It is not a case of health, although obviously health is the paramount importance here, it is the economy and our community too. So I would just like to say well done, Minister for Treasury and Resources, for bringing this forward at such speed. It is very important legislation and very important for this time. **[Approbation]**

The Bailiff:

Does any other Member wish to speak in Second Reading? I call on the Minister for Treasury and Resources to respond.

19.3.2 Deputy S.J. Pinel:

May I thank the Deputy of Grouville for her very kind comments and in addition thank the Treasury team, who have been working all the hours to get this forward in a comprehensive fashion for everybody to understand when it is quite complicated. I just want to reiterate at this point that we are not saying at this point that we will be using these powers; just asking the States to give me the necessary financial tools, so that the right decisions can be made at the right time. I commend the Regulations to the Assembly.

The Bailiff:

Those Members in favour of adopting the Regulations kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading?

19.4 Deputy S.J. Pinel:

Yes please.

The Bailiff:

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

19.4.1 Deputy R.J. Ward:

I do feel that I need to say it is not a question of backbenchers against the Council of Ministers, or Scrutiny against the Council of Ministers. I think the concern of backbenchers that is raised is just simply and we know this is a changing situation, we recognise how hard officers are working, we recognise how hard Scrutiny Officers [Committee and Panel Officers] are working, it is a question

of trying to get, in a usable form, information to backbenchers who are dealing right on the front line with people that we are seeing day to day. That is the issue that I believe was raised; that we need to be able to talk about it and we need some, somebody used the phrase, meat on the bones of what is going on here. One might say the corn on the vegetarian supplement on the skeletal whatever. Anyway, I have mixed my metaphors there. But we really do need to know a little bit of detail, when it is available, so that we can deal with the real genuine concerns of people day to day. Because part of this is perhaps counselling people through where we are and we need to have some faith in what is happening, as well, so it is really important to vocalise that to understand where we are as backbenchers as much as anything else.

The Bailiff:

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

19.4.2 Deputy S.J. Pinel:

Thank you, Deputy Ward and I totally understand. As a Deputy myself I am getting a similar amount of calls and questions and concerns and so I do appreciate everybody is concerned about all of this and in some cases quite frightened. We will get the details issued as soon as possible. As I have said before, this Proposition is purely to allow the flexibility to move funds and allocate sums of money to where they are required. So I ask for the Third Reading and may I also ask for the *appel*?

The Bailiff:

The *appel* is called for, *appel nominal*.

Deputy S.J. Pinel:

May I please thank the Assembly for their support in this and, it is not the support in just this, it is the support for the whole Island and where we need to go. Again, thanks to the Scrutiny Panel for their very considered and rapid response and the Treasury team, as I have already mentioned. Thank you.

The Bailiff:

You have not heard the result yet.

Deputy S.J. Pinel:

Yes, I thought I would get in first [**Laughter**].

The Bailiff:

The Regulations have passed.

POUR: 35		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				

Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy 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)				

[Approbation]

The Bailiff:

That concludes the Public Business scheduled for this meeting and I invite the Chair of P.P.C. (Privileges and Procedures Committee) to propose the arrangements for future public business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

Can I just say that we were able to assemble here today in the Gloucester Hall thanks, in no small measure, to the incredibly helpful staff of Fort Regent and I offer them our thanks. **[Approbation]** It is also important that our meetings are simulcast and that is happening with some very fine cameras and also some very helpful staff from Delta, so thanks to them too. **[Approbation]** The next meeting of the Assembly is at 10.00 a.m. in this building, in the Gloucester Hall. It is an additional meeting set aside for further emergency legislation that has not been lodged yet, but is, I am told, likely to be lodged tomorrow, so we will have an idea of the workload. It is an additional meeting, so there are no written questions, or oral questions, or questions without notice for 15 minutes on the ministerial rota, but I would like to propose that we have half an hour set aside for questions without notice to any Minister. It is Tuesday today, it is Friday when we next meet, 3 days is a long time in politics, and I think it would be good to be able to question Ministers on latest developments.

The Bailiff:

Do Members agree with that particular part of the Proposition: there should be free questions rather like the format we followed on the last occasion? Yes. I will take that as a tacit approval, yes.

Deputy R. Labey:

I also have to alert the Assembly to the 2 e-petitions, which have reached 5,000 signatures and invite the Assembly to consider whether it wishes to have an in-committee debate on either or both of them and when. The plea of one is: “Put Jersey on a lockdown during the coronavirus outbreak” and the

other: “Emergency support for self-employed business affected by coronavirus.” Unless Members have strong feelings, which they want to voice right now, perhaps I can go to the relevant Ministers within whose responsibilities these 2 categories lie and speak to them in the coming 2 days. It has been very difficult, because Members have been so busy on the emergency, but I can undertake to do that. The next meeting of the Assembly scheduled is 21st April, it might be that these 2 questions have been answered in the intervening period. It is very current. But we certainly want the petitioners to know that they are not being ignored and there may be a time when it is prudent to do these in-committee debates. Unless other Members have anything to say on it now, I would propose to talk to Ministers in the coming days. With that, I propose the arrangement of public business.

The Bailiff:

Do Members agree to take public business as proposed by the Chairman of the P.P.C.? Yes. Before we adjourn, could I just add to the thanks the Chair of P.P.C. has rightly given to certain people, to those of the staff of the Greffe, who have worked above and beyond to enable this. **[Approbation]** Very well, the States stands adjourned until 10.00 a.m. on Friday, the 27th March.

ADJOURNMENT

[17:15]