

DRAFT CENSUS (JERSEY) REGULATIONS 200- (P.177/2000): AMENDMENTS

**Lodged au Greffe on 24th October 2000
by Deputy J.L. Dorey of St. Helier**



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PAGES 13-14, REGULATION 10 -

- (i) *In paragraph (1)(b), after the word person in the second place where it occurs, insert the words present at the same address.*
- (ii) *In paragraph (5), for the words 1, 2 and 3 substitute the words 1 and 2.*

PAGES 19-22, SCHEDULE 2 -

- (iii) *In Part 1, delete paragraph 4.*
- (iv) *In Part 1, delete paragraph 5.*
- (v) *In Part 2, delete paragraph 2.*
- (vi) *In Part 2, delete paragraph 10.*
- (vii) *In Part 2, for paragraph 12, substitute the following paragraph -*
12. Whether the person is residentially qualified under the Housing Regulations.
- (viii) *In Part 2, delete paragraphs 13, 14 and 15.*
- (ix) *In Part 2, delete paragraph 17(d) and (e).*
- (x) *In Part 2, delete paragraph 18.*
- (xi) *Renumber the paragraphs in Parts 1 and 2 accordingly.*

DEPUTY J.L. DOREY OF ST. HELIER

REPORT

Amendment (i)

The Regulations as presently drafted would prevent someone from choosing to make a personal return, if it happened that he/she was *also separately* responsible for making returns relating to people living at another address. For example, a director or secretary of a company managing a lodging house, or the person in charge of a nursing home, would be unable to make a personal return in respect of his/her personal circumstances. My amendment is designed to correct this unintended anomaly.

Amendment (ii)

This is a consequential amendment arising out of amendment (v).

Amendments (iii) to (xi)

Clearly it is necessary that a sensible balance should be struck, in order that the census should provide information which is needed but not readily available from other sources, but without being unnecessarily intrusive or burdensome for the person making the return.

It is essential, above all, to bear in mind at all times, that compliance with the census procedure is a *legal obligation*, akin to making a tax return. The census should not be confused with a public opinion poll or marketing survey, which operate by enlisting the *voluntary* co-operation of willing members of the public. It seems to me, however, that there is a tendency - begun in the 1996 census, and developed further here to misuse the census process in exactly this way.

Within the census procedure, government has considerable power; all the more important, therefore, that such power should be used with restraint, and always in a transparently justifiable manner. "It is excellent/To have a giant's strength, but it is tyrannous/To use it like a giant."

I would also mention in passing, that the States now have an ECHR Convention duty to safeguard individual privacy. Such a consideration applies fully in the context of selection of census questions.

As the report (pages 3 to 4) correctly points out, it is necessary to identify, in respect of each proposed question -

- whether the information is necessary to support policy and decision-making;
- whether it is available from other sources;
- whether the census is the most appropriate vehicle for obtaining the information;
- whether inclusion of the question would put the response at risk;
- whether the information is required for legal purposes;
- and the impact if the information were not available from the census.

I would add to these criteria -

- whether the replies are likely to be reliable or verifiable;
- whether correct response is likely to be reasonably enforceable;
- whether the question will tend to produce *general*, statistically relevant information, or specific personal details;
- and whether the question is unnecessarily intrusive or burdensome for the respondent.

My amendments have been weighed against all of these criteria.

Amendment (iii)

The report states that "The home computing questions will give an indication of how ready the population is to respond to the challenge [of IT developments] and enable communication strategies to be developed."

I believe that such information could be readily obtained, in a consensual way, from a representative sample of Islanders, rather than using the inherently coercive mechanism of the census.

I do not therefore believe that the census is “the most appropriate vehicle” (in the words of the report); I believe inclusion of the home computing questions will be seen as intrusive and burdensome, and therefore unlikely to generate reliable data; truthful response is wholly unenforceable; and I believe that, because of these faults, inclusion of such questions is likely to detract from public support for the whole census process, putting the overall response at risk.

Amendment (iv)

The report states, as a matter of indisputable fact, that “traffic congestion and vehicle parking are threatening our quality of life”. Undoubtedly, many people could be found to agree with this assertion. Equally, many would consider it inaccurate, and expressing more a desire for political correctness than enthusiasm for the census process.

My objections to this question are as stated in the comments relating to amendment (iii): it is intrusive, burdensome, unlikely to produce accurate results, better achieved by voluntary means, unenforceable, and likely to detract from public support.

Amendment (v)

This amendment proposes the deletion of the question relating to the residential qualifications of the head of household, on the basis that it is unnecessarily detailed, likely to generate poor-quality data, and duplicated later on, as a question for “all persons over the age of 16”.

Amendment (vi)

It is quite justifiable and appropriate, in terms of the Island’s international reporting commitments, that the census should be used to obtain general information on the ethno-cultural background of Islanders. But the question relating to the *languages* spoken by respondents shares all the same problems already listed in my comments on amendment (iii).

Furthermore, linguistic fluency is a highly subjective matter, in the absence of specific moderated tests: the replies here are therefore likely to be of little value. And it is quite unreasonable to expect “prescribed persons” to elicit this information from those on whose behalf they have to respond.

I do not believe that this kind of question will achieve the report’s dual aim of “improving communication by States Departments, Parishes, etc.” and “helping in the assessment of linguistic skills in the Island to facilitate Jersey’s participation in international affairs”. Such information is far better obtained through more scientifically reliable, and above all, *voluntary* means.

Amendment (vii)

The question relating to residential qualifications is unnecessarily detailed, and once again, burdensome and intrusive. Undoubtedly, although the vast majority of people living in the Island are aware of whether they *possess* residential qualifications, very many of them are unaware of the *specific* clause under which they qualify. Responses are therefore likely to be time-consuming for respondents, without even having the compensating virtue of being likely to be reasonably accurate. My amendment therefore substitutes a much simpler, common-sense question for that proposed in P.177/2000.

Amendment (viii)

The questions related to educational and professional qualifications, and courses of study presently being undertaken, go well beyond the type and degree of information which government is reasonably entitled to require of its citizens in the course of a census. All the objections listed in relation to amendment (iii) apply again here.

Amendment (ix)

Given the level of detail already covered under question 16 and paragraphs (a) to (c) of question 17, paragraphs (d) and (e) of question 17 are wholly unreasonable.

Arms of government are already well aware of the numbers of people working in various occupations and sectors of employment. In the context of a census, it is an unnecessary burden that people should be required to describe the day-to-day details of the actual work they do, and quite wrong that they should be asked to provide specific details relating to a third

party - their employer. All the objections listed in relation to amendment (iii) apply again here.

Amendment (x)

If States Departments wish to find out people's transport needs/habits, the proper method for this is a voluntary, representative traffic survey. All the objections listed in relation to amendment (iii) apply again here.

Amendment (xi)

This is a consequential amendment arising out of amendments (iii) to (x).