

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 15th JULY 2020

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

[9:32]

PUBLIC BUSINESS - resumption

The Deputy Bailiff:

The next matter on the Order Paper is Green Lanes and Quiet Lanes: Priority to pedestrians, cyclists and horse riders, P.79, lodged by Deputy Ward. Deputy, I understand that you are prepared to accept the Amendment from the Comité des Connétables, is that correct?

Deputy R.J. Ward of St. Helier:

Yes, Sir, I will accept the Amendment and very happy to do so.

The Deputy Bailiff:

Do you wish to have the Proposition read as amended and debated as amended?

Deputy R.J. Ward:

Yes, Sir, I think that is the most practical way forward, thank you.

1. Green Lanes and Quiet Lanes: Priority to Pedestrians, Cyclists and Horse Riders (P.70/2020) - as amended

The Deputy Bailiff:

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

The Greffier of the States:

The States are asked to decide whether they are of opinion: (a) that priority should be given in law to pedestrians, cyclists and horse riders in designated roads in the Parishes and that vehicular traffic should only be allowed in such designated roads for essential travel; (b) to request the Comité des Connétables, to designate roads in Parishes where priority should be given, as requested in paragraph (a) above; (c) to request the Comité des Connétables, in consultation with the Minister for Infrastructure, to bring forward for approval the necessary changes to legislation to give effect to paragraphs (a) and (b) by the first quarter of 2021, if considered practicable by the Comité and the Minister; (d) to request the Comité des Connétables, in consultation with the Minister for Infrastructure, to update the current road signs and markings for designated roads in order to show that priority is given in the use of designated roads to pedestrians, cyclists and horse riders; and (e) to request the Comité des Connétables to undertake a public awareness campaign in conjunction with third parties, as appropriate, regarding the use of designated roads and the priority given to pedestrians, cyclist and horse riders.

1.1 Deputy R.J. Ward:

Thank you. I just seem to have overcomplicated my desk today. During the lockdown there has been an increase in walking and cycling across the Island. To a large extent this is anecdotal but we have all seen more people enjoying the Island's stunning lanes and byways. I have promoted sustainable transport for some time and welcome this change to people using the lanes. I feel that we have an opportunity we must not miss. We must try to keep this move to using the outdoors going and encourage a long-term change. The heart-warming reports of a huge increase of children cycling to Les Landes School is a prime example of this and it is great to see our neighbours, our street has changed with many more younger families here and they are out cycling. It is wonderful to see. My concern is that cycling and walking pathways seem to be created from major infrastructure projects which are expensive, take a long time and may therefore be at risk in the current climate of recovery and priorities being reassessed. To be honest, even before this current economic shock we have not

succeeded in creating cycle routes to the east and the north of the Island in particular. I also cycle and walk a lot around the green lanes for my enjoyment and I commute to work by this method as much as I can. There are many beautiful lanes across the Island that really need to be explored and it is good for my physical and mental health. Why do we need this change? Currently it is only a suggestion in the Highway Code that priority is given to walkers and cyclists. The lack of legislation and enforceable priority has been confirmed by the States of Jersey Police following a question I asked at the end of a public hearing. So we get to the Proposition I bring today. First of all, I would like to thank the Comité des Connétables for the meeting we had regarding this Proposition and for the Amendment, which I happily accept. Whenever you produce a proposition there is a challenge to understand and anticipate all of the different views and how it can be interpreted. The separation of designated lanes from green lanes makes sense to me. It helps with the clarity of the original proposition and with the collective working needed on this Island initiative. There are 5 points to the Proposition as read. I will just talk briefly to each of them, but the key to the Proposition is the word “designated”. Part (a) now reads that a priority should be given in law to pedestrians, cyclists and horse riders in designated roads in the Parishes and that vehicular traffic should only be allowed in such designated roads for essential travel. Now, I understand there are around 500 miles of road in Jersey of which 50 miles are current green lanes. I mention this as these designated roads will be a smaller proportion. This Proposition does not ban cars from the road network. By identifying designated lanes the proportion of roads assigned may initially be very small but could be very effective. There is also the notion of essential travel. This exists in law but is limited. This is an opportunity to reassess this definition and redetermine what is meant by essential travel. We are due for an update on this concept for changing modes of transport.

[9:45]

I will just mention the work of the researchers that we finally have access to as backbenchers here. Their work on essential travel is very, very informative and there is a lot of information in the background over many years. Some of the concerns I have had expressed by people is to feel that those with a disability or the frail being unavailable to travel. This is not the intention of this change. Indeed, by giving the ability to decide on essential travel we can provide access to groups and the lanes would be safer. I intended to address some of the additional benefits of an effective cycle network later on in a short clip, however I have tried it out and the sound will not work for Teams so I will omit these. But it did show effective routes enable and increase access for those with disabilities and the older generation. Cycling is not just for those in lycra. Walking groups bring a huge benefit to health and addressing loneliness across our community. Part (b) asked the Parishes to designate appropriate lanes. I am therefore acknowledging that Parishes understand the road network and it is important to enable Parishes to decide on which roads will be best working this way. I would like to thank the Constable of St. Peter for his early help in this Proposition and the constructive advice that he passed on. Part (c) is the link with the Department of Infrastructure. This must happen as it is the Government department that has access to law officers who can draft the necessary legislation. I am concerned about the data, the first quarter 2021 in the Amendment but this does not mean it could not be sooner. We all understand the effect the pandemic has had on work programmes. I note the concerns of the Minister for Infrastructure in his comments that this may take officer time, but I will say that any legislative change will take time. This will have a positive impact on the sustainable transport policy without major infrastructure costs so the time spent is well worth it. I will again point to the opportunity we must grasp at this time. I hope this will encourage action to be taken as soon as possible. Part (d) is about the way that roads are marked. I have ideas regards this and I am not suggesting hundreds of large signs. More simple methods such as colour marking on the road surface, you could have different colours for different Parishes although one colour would give consistency. There are so many creative solutions to this worldwide. I believe that we can find a way that is best for Jersey. Part (e), the final part, is a public awareness campaign. If we are to have a designated network that enables walking and cycling, car drivers, pedestrians and cyclists must be

educated in this change and the best way to use it. We must address the sometimes negative and damaging opposition between cars, cyclists and pedestrians. Many of us are all 3 of these. We are emerging from a situation where the responsible actions of most people have given us a way out. We are lucky to have a strong community spirit in Jersey. This must be tapped to make the cultural change needed to have a network of sustainable travel ingrained into our travelling habits, with all of the benefits that that brings. This proposition is a small but significant step towards it. There are so many groups that can be involved. I have included some of them in the report with the Proposition. This is a chance to raise the profile of the Parishes in the sustainable transport initiative. It is not a review of green lanes. This is utilising the network of road across the Island that could be adapted to enable the move to a more sustainable transport and done so in a reasonable timescale without prohibitive costs. I remind the Assembly of its support in declaring a climate emergency, I am concerned about this being a casualty of economic planning that does not take the threat seriously. This Proposition means we can act quickly to encourage a change to the way we transport ourselves without huge cost. There is no need to avoid these changes. Plus, looking ahead, we have an opportunity to create wider benefits for our society and to gain a positive from what has been a really hugely challenging time for us all. This is a brief overview. I will finish there but I would be pleased to answer questions and I look forward to the debate. Thank you.

The Deputy Bailiff:

Is the Proposition seconded? [**Seconded**] Connétable of St. Lawrence.

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

Before I start, can I just check that Member can hear me because Deputy Ward was just freezing for me when he ... I want to ensure that I am able to be heard.

The Deputy Bailiff:

Well, I can hear at the moment but often Members can be heard ...

The Connétable of St. Lawrence:

Having said that, the Connétables ...

The Deputy Bailiff:

Connétable, you are breaking up. It might be better for you to turn your video off, that may improve the sound quality. If you turn off your video and start again that might be ...

The Connétable of St. Lawrence:

You too were breaking up for me. Yes, I will do that, Sir, but I must stress that since I logged on this morning the Assembly has been breaking up for me and I was present for the first Roll Call but it just seems to be technical problems. I am sure you will indicate, perhaps by waving your hands at me, if you lose me while I am speaking.

The Deputy Bailiff:

I can tell you now that you are much clearer now that your camera is turned off.

The Connétable of St. Lawrence:

Ok, I will continue then. Thank you very much. As ever, the Connétables wish to work collaboratively with Members and States departments so we met with Deputy Ward on 6th July to try to gain a better understanding of his aims and objectives in the Proposition that he had lodged. We subsequently lodged the Amendments with the intention of enhancing, as we had understood it, the Deputy's intention to allow for the establishment in law of designated roads where priority would be given to pedestrians, cyclists and horse riders and where vehicular travel would only be allowed in such designated roads for essentially travel. We therefore welcome his acceptance of our proposed

Amendments and acknowledge that he does have doubts about the section, I think it is (d), where we are proposing a change to the timing there. But for Members to fully understand this, the proposed Amendments in paragraphs (a), (b), (d) and (e) amend reference to green lanes and to quiet lanes so that they refer instead to designated roads. Designated roads would be those on which priority would be given in law to pedestrians, cyclists and horse riders. The reason for this change is because Deputy Ward informed us when we met that his intention was that not all green lanes would be designated and it was also not necessarily the case that all quiet lanes should have a 15 mile per hour speed limit. By removing reference to green lanes in these paragraph it is intended to avoid any confusion or assumption that either all or only green lanes would become designated roads where, to emphasise again, priority would be given in law to pedestrians, cyclists and horse riders and our only other Amendment in paragraph (c) was intended to provide some flexibility on the target date for bringing forward such legislative changes if these are approved by the Assembly. We felt that the timescale of the first quarter of 2021, as the Deputy had requested in his Proposition, may be somewhat overambitious given the need to develop the schemes, to develop law drafting proposals and also to draft any legislation for lodging. While we would wish to see this progress, if agreed by the Assembly, there would clearly be a need for consultation, not least of which would be with Parish Roads Committees and other parishioners. Members, of course, will understand that the impact of COVID-19 and at the moment continuing restrictions on meetings would almost certainly affect the timing and method of that consultation. Our Amendment therefore adds that words “if considered practicable by the Comité and the Minister”. I hope that brief summary of our Amendment is helpful to Members. In relation to the Proposition as amended, the Deputy is seeking the development of road networks across the Island where priority is given in law to pedestrians, cyclists and walkers. As we know, there are already 10 Parishes, other than Trinity and St. Saviour, where a number of roads are known as green lanes. These being roads in which there is a 15 mile per hour maximum speed limit. The use of green lanes by motor vehicles is intended in the Highway Code as being for access or for sightseeing. Members will probably be interested to know that following very close working between my Roads Committee and the transport section of G.H.E (Growth, Housing and Environment) a recent Parish Assembly approved the creation of an additional 6 green lanes in St. Lawrence. The guidance in the Highway Code is that they are intended principally for enjoyment by pedestrians, cyclists and horse riders and they therefore appear to me to be a logical starting point for a sustainable network. But, as we know, there are Islanders and visitors for whom the only practical mode of transport is vehicular and we do not want to limit their ability to enjoy the country lanes by preventing access for sightseeing. As the Minister says in his comments, any driver stopped on suspicion of being non-essential travel could claim that they were sightseeing, requiring an additional burden of proof to support any likely prosecution. That immediately begs the question to me of whether sightseeing would be considered essential and, if not, can we really justify legislation that would prevent us from accessing Island roads simply because we are unable to walk, to cycle or to ride a horse? The phrase “essential travel” is not defined in the Deputy’s report and would require careful consideration. I am sure that he will address this when he sums up. The question as to which roads would become designated roads would be for future consideration by Constables and Parishes but work is already in hand to review the use of and speed limits on Parish roads. As I said a moment ago, having worked on that with the Department for Transport, we are one of the first Parishes to have finished the work with them and we have introduced a further 6 green lanes. That work arose from the speed limit review, which is ongoing across the Island, the Sustainable Transport Policy and also the Connétables are working with the Minister for Infrastructure and a group including Deputy Carolyn Labey and Advocate Christopher Scholefield, he is representing the community group Cycle 4 Jersey, on the development of cycle routes across all Parishes. That work has been ongoing since the beginning of the year, however, as with most other project, it has been put on hold over the past few months. It is clearly important that all of these different initiatives come together to ensure that the results provided give us a holistic network that I think is what the Deputy is aiming to achieve. But a network which meets the needs of as many people as possible. At this point I wish to thank

the Minister for Infrastructure for his comments and to pick up on some of them. He reminded us, rightly, in paragraphs 3 and 6 of his comments that there is already provision in law to designate a road with a prohibition for motor vehicles, except for access, and there are already such designated roads in some Parishes. In his view, he told us that such a restriction, if applied to large portions of the countryside would be rather draconian, preventing access for many people, including tourists.

[10:00]

He reminded us that there is ongoing work already, as I have mentioned, to review speed limits and green lanes and that, in his view, a law prohibiting access, other than for access or sightseeing would be unenforceable. He recognises that the green lanes are roads that are mostly administered by the parochial authorities, in fact they are administered by the 10 authorities, and that we have the responsibility for enforcement. Of course the question of enforcement is important. In fact the Minister uses the term in his comments “the burden of enforcement” and it can, indeed, be a burden, particularly for those Parishes who do not have a full complement of Honorary Police officers. The Minister says if the Connétables are willing to support the Proposition then so is he. But obviously the views of the Connétables always vary depending upon any proposition and this one is no different. I do not know whether all the Connétables are minded to support the Proposition as amended. This is not just about improving road safety, which I am sure all Connétables do support. It is not even about providing a network, as work is already ongoing in Parishes to address that. The Proposition to my mind is about legislative change to give priority in law to certain groups of road users and to prohibit the use of some roads other than for essential travel. So there are questions we must ask ourselves before deciding upon this, such as: can we achieve improvements to the network as part of the ongoing work between Parishes and the Department for Infrastructure without the need for new legislation? What will the impact be on States and Parish resources? The financial and manpower implications in the Deputy’s Proposition state only that the law change will require normal officer time but this is not quantified. The Minister, in his comments, suggests that defining essential travel will take considerable officer time and would have the knock-on effect of delaying other projects. The cost of new signing and road markings would fall predominantly on the Parishes, although Deputy Ward has suggested using the Climate Emergency Fund or company sponsorship towards those costs. It may help Members to know that currently work is in progress to update the Traffic Signs (Jersey) Order 1968 but that is also work that is on hold for the moment due to resourcing issues. So it may therefore be possible to ask for changes to the green lanes signs but that requires some thought as to what any revised sign would need to show. Definitions would clearly be required in any new legislation to identify what priority and essential travel would mean. In conclusion, if approved, this Proposition would require a new law to be drafted and we have been told by the Minister that to agree the new wording, particularly the definition of “essential travel”, this would take considerable officer time. It will have a knock-on effect of delaying, among other projects, the speed limit review programme and thereby delaying the extension of the current green lane network. Members may of course think that the Deputy’s objectives can be achieved within the current laws and through the collaborative working that is being undertaken now with the Parishes. But in conclusion, if they do not believe that, they should be satisfied that clear objectives would need to be drafted to give effect to the Deputy’s aim and I believe that Members should bear in mind that if a new law went beyond what was needed, creating new criminal offences, it would surely be arbitrary and oppressive.

The Deputy Bailiff:

Before I invite the next Member to speak I have questions for the Attorney General, and the first is from Deputy Maçon.

Deputy J.M. Maçon of St. Saviour:

I thank the Constable of St. Lawrence for her speech. It has provided much clarity but my question to the A.G. (Attorney General), just on clarity about the current legal definition of “essential travel” and which law is it found in would be very helpful for the progression of this debate.

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

I am not aware of a definition of “essential travel”, certainly not in the Road Traffic (Jersey) Law 1956. The Road Traffic Law does confer jurisdiction on the Minister by order to designate speed limits on all roads, whether they be Parish or States roads. He also has a jurisdiction by Order, having consulted with the Connétable of the relevant Parish, to designate roads as access only. That would be a potential route in this case but I think it would also require some additional Amendment to make it clear that where roads are being designated access only then they permit through-traffic obviously for cyclists and horses. But I am not aware of a definition of “essential travel” in the Road Traffic Law.

Deputy J.M. Maçon:

Thank you, that is incredibly helpful. Thank you to the Attorney General for that.

The Deputy Bailiff:

Deputy Le Hegarat, you have a question for the Attorney as well.

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

Yes, please. Part of it I think has already been answered but my question is: were the green lanes put into the Highway Code as opposed to legislation because the Minister for Infrastructure is unable to legislate for roads which he has no authority, as in the Parish roads? If that makes sense.

The Attorney General:

No, the Minister, as I said in my answer to Deputy Maçon’s question, is given power by Order to designate speed limits on roads, and that includes the roads which are known as green lanes where the speed limit is 15 miles an hour. He can do that for each Parish but again he must also consult the Connétable of each Parish before making such an Order.

The Deputy Bailiff:

A question for the Attorney from Deputy Wickenden.

Deputy S.M. Wickenden of St. Helier:

I just want to follow up on what the Attorney General said about access only. We currently do have access only as a designation, I believe. Does that already allow for horses and cycling because they might be access only for a specific reason and you would not want horses and cyclists to go down it? Could you just clarify that at the moment the access only is not designated for horses and cyclists for probably a good reason?

The Attorney General:

I think the relevant provision is Article 62 of the Road Traffic Law and that refers to prohibition to vehicular traffic and there is not a definition of vehicular traffic in the Road Traffic Law. I think it would probably not apply to pedal cycles or horses, certainly not pedestrians. But I did say I thought it would be preferable, if there was an Amendment, to make it clear that pedal cycles and horses were still permitted as through-traffic on roads that had been designated access only. I think it would be preferable. I do not think it is absolutely necessary.

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

I have decided to speak early in this debate as in the last sitting I was unable to deliver speeches on 2 topics due to the guillotine being invoked. I have a number of concerns with Deputy Ward’s

Proposition, although I will state from the beginning that I do support the work that the Parishes are doing with the Minister for Infrastructure, the Deputy of Grouville and others on the development of cycle routes. Deputy Ward essentially states in his report that one of the reasons he is putting forward his Proposition is because the Highway Code is a code and not law. Although he states the drivers who operate their vehicles inappropriately in these lanes would be charged with various motoring offences, such as driving their vehicles without due care and attention or dangerous driving, he believes that who can use the lanes should be enshrined in law and enforced. Law and enforcement do not always go together. You might think they do and it might be true in theory but not always in fact. I have sometimes wondered why, as States Members, we spend so much time and effort passing legislation as many of the laws that we have passed in previous sittings, which impose sanctions for certain behaviour, are not enforced or only enforced once in a blue moon. Look at how many existing laws are ignored and flouted because they have not been enforced; dropping litter, fly-tipping and speeding, just off the top of my head. The States Police have a very limited workforce allowing for training, holidays and illness and very few police officers are on shift on any given day and are out in the community on patrol. The police in the past have prioritised more serious crimes such as domestic violence, financial crime and sexual offences and I doubt they shall be enforcing what he is proposing also. The Honorary Police in many Parishes are or have been in the near past very seriously undermanned and in breach of the law and have a wide variety of tasks to undertake. I wonder how much time and effort they will be paying to this task. Secondly, I fundamentally object to limiting the access to the Island's countryside lanes and roads to only walkers, cyclists and horse riders or for essential travel; whatever that means. To me it amounts to discrimination and the creation of no-go areas for the vast majority of Islanders who do not go on long walks, ride bicycles or horses or who do not live or have relatives on the road or lanes adjacent to the roads and lanes that he would like to see closed. Many of Jersey's hidden jewels are down these roads. We have a beautiful island that we should all be allowed to share and it should not be just for a minority. What about disabled persons for whom the car may be the only way they can get around. What about the tourists who come to the Island and do not walk, ride bicycles or horses? Are we going to deny them access to these lanes? Thirdly, what does "essential travel" mean? It is not defined and there will be devil in the detail for those who will be tasked in defining it. I agree with the Constable's comment: would sightseeing be considered essential? I think so, for Islanders and visitors alike. Fourthly, could someone please advise me whether the roads in question are maintained and fully funded by the Parishes alone or are they maintained and partly funded by the States? If the latter, no taxpayer should be denied access to any lane for the reasons put forward by the Deputy. I shall not be supporting the Proposition in its current form.

1.1.3 Deputy K.C. Lewis of St. Saviour:

I do have a problem with this Proposition. I am sure the Proposition is well-intended and mirrors a lot of what already is in place via the Highway Code. I would also like to remind the Assembly that the Sustainable Transport Policy, which will seek to achieve some of this, is on its way. However, I do find it incumbent upon me to voice a few concerns. If this Proposition were passed Parishes would identify a new network of designated lanes or roads, which would include some green lanes but not all of them. On designated lanes priority would be given to walkers, cyclists and horse riders and motor vehicles would be prohibited unless they were being used for essential travel. The definition of "essential travel" would be close to the definition of green lanes, which is given in the Highway Code, that they should only be used where necessary for access or sightseeing.

[10:15]

We would therefore have 2 schemes, both intended to achieve the same objectives using pretty much the same methods. My concern is that both would suffer from the same challenge that they would not be enforceable. Jersey's Honorary Police Service do a fantastic job and they know the problem points, the rat runs and the speeding spots and they manage it as best they can. I am keen not to

criminalise people and the crime of using a road for non-essential travel would be hard to enforce. It is easy to imagine what would happen under the proposed new law. Any driver stopped on suspicion of non-essential travel could claim they were sightseeing or delivering something to a house. It would be hard for the Honorary Police to prove that they were not. While it might not be perfect the existing green lane legislation in the Highway Code does act as a form of deterrent to many drivers. It sets the speed limits at 15 miles per hour and legislates that those drivers using a green lane must travel at speeds similar to cyclists. My department is working with the Parishes to review their green lane network and to enable them to expand theirs, if they so wish. The law already has provision for roads to be prohibited to motor vehicles except for access. Some Parishes already use this provision for some of their roads. But to restrict access on large numbers of roads across the countryside would be draconian. It would prevent access to many people who are using their car responsibly and with proper observance for other road users. If it were applied to roads with several properties on them, then the “for access only” exemption would render the restriction pointless. But there may be opportunities for use of this restriction to break rat runs with minimal inconvenience for others. The next step, which some Parishes have used, is to install physical measures to prevent all through-traffic, other than walking and cycling. Again, my officers and I have supported Parishes to implement such restrictions. These options are already available to Parishes. Road users should understand relevant signing as they have been in law for many decades. It is also likely that agreeing the wording of any new law, specifically the definition of essential travel, would take considerable officer time. This would have a knock-on effect delaying, among other projects, the speed limit review programme and hence delaying the extension of the green lane network as it is currently defined. While Deputy Ward’s Proposition is supportive of the Government’s work delivering the principles of the Sustainable Transport Policy, it would run the risk of delaying it by forcing officer time to be spent on this legislation. Financially, the cost of new signing and road markings would fall to the Highway Authority, which is likely to be predominantly the Parishes and, without knowing the extent of the network, it is not possible to put a figure on the likely costs. It does seem unnecessarily obtrusive to be painting more prominent road markings to highlight the natural environment. Finally, I would like to remind the Assembly of the principles of the Sustainable Transport Policy on which work is well underway. The overarching principle of the Sustainable Transport Policy is that fewer vehicle journeys are made in Jersey. To make this possible we will recognise and price accordingly the social and environmental costs of private vehicle use; invest in a better bus system that more people want to use and is accessible to all; we will make cycling and walking a safer and more attractive choice for people of all abilities; we will reduce the impact of vehicles on our landscape and create more space for the people of St. Helier; we will create a public service and planning system that reduce the need to travel; encourage the use of electric and other low emission vehicles to reduce pollution; and will work with businesses that rely on road transport to support their efficient and safe use of the road network and their uptake of alternative low-carbon fuels. I am sure the Assembly will recognise that the Sustainable Transport Policy takes a far more holistic approach to the use of Jersey’s roads and how we want the motor vehicle drivers to adapt. It has been incumbent upon me to identify some practical issues that flow from this Proposition and highlight the provisions that already exist in the Highway Code and existing programmes. Deputy Higgins mentioned something about the Highway Code. I am not sure if he referenced it was not law but some of it, I believe, is law. For instance, the 15 miles an hour signs, they are law. Whether it is a green lane or not a green lane, we do have a few roads that are 15 miles an hour without being a green lane; one being Clarke Avenue, St. Helier, which does lead to a green lane but not itself a green lane. So that is in law in the Highway Code, which people have to study when they take their driving test. It is illegal to turn the wrong way in a one-way street, drive through traffic lights, *et cetera*, all this is based in law. There is a lot in the Highway Code that may not be law but I am pretty sure if there was an incident or accident the presiding officer adjudicating on a case would take the Highway Code seriously into consideration. However, I recognise these roads are administered by parochial authorities and that responsibility and burden for enforcement will fall to them. As I

say, we have roads that have been adapted. For instance, in St. Saviour we have La Chasse Brunet, which is made basically a cul-de-sac now to avoid the rat runs. All these systems are available to all Constables and I am sure they will give them their close consideration. I will listen to speeches with great interest but I am not sure if I can support this.

1.1.4 Connétable J. Le Bailly of St. Mary:

I am sorry I was unable to indicate my presence during roll call due to I.T. (information technology) problems. St. Mary is a unique Parish. It is made up of small roads, not all are designated as green lanes or have speed restrictions. We have very few roads classed as main roads, roads that have white centre lines. Of those that do they are mainly our 20-mile-an-hour roads which form part of our village road farming scheme, which itself was very controversial when introduced. It used to be an Island-wide attraction until last year when the Department for Infrastructure agreed to rectify the ramp on the Church Pub crossroad. Previously people had great joy using this ramp as an alternative to spending lots of money to visit the Alton Towers Big Dipper. The suggestion of having further restricted use on green lanes is not a popular one in St. Mary. Our Honorary Police state: "This would be impossible to police." Most parishioners think that the idea is totally mad. Many have told me: "Do not support this" and when I mentioned the Proposition to our Roads Committee their reply would not be considered suitable language for this Assembly. The law was already very clear in the Highway Code. Horses, pedestrians and cyclists have priority. Motor vehicles should use these roads only if absolutely necessary for access or sightseeing. The speed limit on these roads is 15 mile an hour. There is no need for more legislation and unnecessary signage on poles. Signage should be on roads, not to spoil our countryside. What we need are more designated green lanes because at the moment we have roads which are very narrow, with no speed restrictions, very often used as rat runs. Farmers have fields on green lanes. People live on green lanes. People get lost driving on green lanes. It is part of the expectation when visiting other Parishes to see how their spuds are doing. Would there be special dispensation for visitors with hire cars who get lost? In fact, would we have visitors at all? Parishioners would welcome extra green lanes with speed restrictions. However, they do not approve of me supporting further restrictions to the existing designated green lanes. It seems that the incentive for this Proposition to literally ban vehicles from green lanes has been instigated by the coronavirus. People with lots of time on their hands during lockdown have made extra use of the green lanes, either walking or cycling, and have so decided that the lanes are more pleasant without traffic. How right they are. However, life has to resume and using these green lanes for vehicles is a necessary part of getting back to normal. Things of course can always be improved. Adding lanes to the green lane network would improve the situation. Educating people to slow down and avoid unnecessary use would help. Also driving with common sense. We do already have a law in place, which accommodates green lane use similar to the Proposition. Therefore there is absolutely no requirement for this law.

1.1.5 Deputy C.F. Labey of Grouville:

As Deputy Ward knows very well, I have been working behind the scenes with Senators Moore, Pallett, Cycling for Jersey and the Constables, along with their Roads Committee, to identify a network of safe cycle and pedestrian routes to Parish hubs, schools, to interconnect Parishes and to provide safe commuter routes from the Parishes to St. Helier. Deputy Ward knows this and was indeed invited to help with the work and have a conversation with us to learn what was being progressed. If he had have done he would have known that the current work was not exclusive to green lanes. It considers all and any routes, the tourist routes, undesignated lanes and whichever roads are currently deemed to be the most suitable to achieve the desired aims and most importantly provide safe cycling and pedestrian routes for our community; we deserve no less. In fact, the current work is reflected in the Constable's Amendment to this Proposition. It is extremely fortunate indeed that they made the Amendments to what seemed to be a very rushed Proposition, as without them Deputy Ward's Proposition would have been extremely difficult to support. Many of you will know

my history in trying to get the Department for Infrastructure to provide a network of safe cycling and pedestrian routes is a long one. In my own Parish, the department have spent many years widening the existing path from Gorey to just beyond Grouville Garage, with inappropriate hogging at great expense, I might add. In 2009 I successfully amended the budget, which transferred £500,000 from the Car Park Restoration Fund to go towards the building the Eastern Cycle Network. In 2011, the States approved my Amendment to the Island Plan where planning applications for large scale developments were required to make a contribution towards the Eastern Cycle Network. Over the years my Constable and I have suggested and walked with various Ministers for Infrastructure possible dedicated routes from Gorey to St. Helier but to no avail.

[10:30]

It has got to be said the work and effort to giving the Department for Infrastructure the tools to provide what the community wants, and this Island needs, has not been reciprocated. Not in the east of the Island anyway. That cannot be said, of course, about the west as when the then Deputy of St. Lawrence, Eddie Noel, who was also Minister for Infrastructure, led his department to build the most fantastic facility through St. Peter's Valley, the only criticism I could make is that it is too popular. But at least it gives us an example of the art of the possible. So in anticipation of yet another Sustainable Transport Plan being published, and in sheer frustration of the lack of progress and action since a similar document of its kind was last produced, last autumn a few of us formed a group to see what we could do to advance the situation. We decided that instead of waiting for a dedicated cycle path to be built we should look to assign some of our existing roads to restricted access with appropriate speed limits where cyclists, pedestrians and horse riders take priority and are able to commute around the Parish and Island in a safe, healthy environment. The Constable of St. Lawrence is correct; a holistic approach is required, with leadership. The Minister and his department's response has been rather lukewarm and rather like his published comments and contribution to today's debate, he has pointed out every reason why it might be too difficult to provide these routes. It is difficult to imagine that this is the Ministry who is championing sustainable transport, not only on paper but it is providing it and leading the charge. In February before lockdown, our group took 12 maps setting out all the tourist routes, small lanes, green lanes and existing cycle tracks and gave one to each of the Constables who kindly agreed to plot a Parish network of commuter routes from existing roads. Cycle 4 Jersey also allocated one of their members to each Parish to offer help and advice from a cyclist's perspective, should the Constables require it. Like I say, that was the beginning of February before lockdown. If the need for this facility was not apparent before, it is blatantly apparent now. It has been an absolute pleasure cycling on roads with much less traffic; cycling along small country lanes where there is not a constant stream of inappropriately sized cars driving at inappropriate speeds trying to shave 20 seconds off their journey time by not using the main road. It has been something of a disappointment that, as things get back to normal, cyclists and pedestrians are back to jumping in hedges to make way for the 4x4 rat runs. Our community is looking for safe sustainable routes now. I am glad Deputy Ward put a timeframe to his Proposition of wanting this work completed by the first quarter of 2021. It is later than the timescale my group were working to with the Constables. I just hope, in accepting the Amendment to insert the words: "If considered practicable by the Comité and the Minister" this is not a caveat for delay. In this regard, if the Proposition is accepted, I am going to look to Deputy Ward and the Minister to ensure that the aims of this Proposition are carried out in a timely manner. Having access to Parish hubs and an Island-wide cycle and pedestrian network could be so good for Jersey, for our health, our environment, our visitor offering, our economy and our community safety. It is no less than we deserve. Thank you.

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

I would like to begin by thanking all the Constables for their maintenance and upkeep of the green lanes across the Island. I would also like to take this moment to observe that their work would be

even more time-consuming were it not for the substantial support that they receive from the Roads Committees. This is, I believe, an appropriate moment to thank all the members of the Roads Committees in all the Parishes for the huge contribution that they make to the Island without any remuneration for the benefit of all who reside here. Our thanks go out to them for all that they do, particularly with regard to our cycle lanes, many of which would never have been established without their considerable efforts. Returning now to the Proposition, who will benefit from this restriction on movement? I am certain that anyone currently residing on a Green Lane will be delighted at the prospect that the road outside their property is essentially becoming their own private drive. This will doubtless have yet another impact on house prices to the detriment of anyone seeking to purchase a new property in the countryside. The 2(1)(e)s will of course attain a new level of exclusivity through the closure of the roads which surround their properties. An economic inequality on the Island, particularly vis-à-vis home ownership, will be entrenched yet further. It should go without saying - but I feel I have to say it anyway - that the measure will do nothing to help our Island's congestion problems and will in fact contribute to an increase in congestion on the rest of the Island's roads. There will also of course be a concomitant increase in pollution experienced by those living next to the main roads, particularly in my own Parish of St. Helier. I can say with a high degree of confidence that the Roads Committee of St. Helier has probably not been asked for an opinion on this Proposition, if indeed any have been consulted at all. Most importantly, we must think of those less fortunate, namely people with disabilities, the infirm and the elderly who would be denied access to great swathes of the countryside, particularly in the north of the Island. We also have to acknowledge that for many people in this Island who work 5 or 6 days a week, a drive through the countryside is an enjoyable activity which allows them to see parts of the Island they simply do not often get to experience. Closing off the roads down which they drive will likely not inspire them to walk their young children down these lanes and will simply instead put more cars on the main road as I have already explained. Finally, as the son of a local farmer of some renown, I would be remiss if I did not mention that cars are not the only motorised vehicles which use these lanes. I urge you all, when you are voting, to spare a thought for the unmissable part of our cultural heritage that is the tractor run. This Proposition will not only have a negative impact on our already congested roads, our high house prices and our residents of limited mobility, it will also deprive us of a glorious spectacle which brings together past and present Jersey farmers so that they can proudly display their classic tractors and view the very fields that they were originally used on. Another part of our heritage which may well be stamped out. Therefore, it should come as no surprise that I will be voting against this Proposition and I hope that at least the majority of you will consider doing the same. Thank you.

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

I am very happy to have followed the Deputy because what he has said has made a lot of sense. Absolutely fantastic speech. I just wanted to add a few things to it. A lot of my old-age pensioners like to take a Sunday afternoon drive and, like he has already said, they will not be able to go through the lanes. They are going to have to stay on the main roads. I have cattle in a lot of green lanes so if I have to move them, it is going to be very difficult with vehicles and, as has been said, there are a lot of people who live in green lanes so that is going to enhance their properties. I have an email and I think a lot of people have had the email which was sent to Scrutiny and it says: "It is all very well to push this through when the sun is out but when it rains and everybody gets back into their cars, they will find it much harder to get around, or do we have to worry about that problem later?" I am sorry, I do agree. We have had the most fantastic weather and with the shutdown because of the coronavirus, the roads have been very, very quiet and it has been a pleasure to see them walking around. Cyclists and I do not get on, as everybody knows, because I just feel that they take advantage, it is a free for all on the roads and I find that very, very sad. In St. Saviour, we do not have any green lanes. I believe there are quite a few in St. Martin. We do not have any green lanes but we have a lot of cattle and I have to close the roads, as does Paul Houzé and Andrew Le Gallais. People wait for the cows to come home. People are very, very understanding and they can do this without a

Green Lane sign. This is the Jersey way. It is Jersey's way. They wait in the roads and they do things. We had one gentleman who had a go at Paul Houzé and said: "I am going to tell the Constable. He is not going to be very happy you are blocking the road." Paul Houzé turned around and said to him: "Well, 'he' is a 'she' and she is a farmer so you are going to waste your time by complaining to the Constable" which he did and I took it on board and I explained how it goes. This Proposition is not needed. We are sinking in more laws and this is definitely not needed so I will be voting against the whole thing. Common sense has to prevail. We have to make allowances for people and even with a law, you are always going to get one that the law does not apply to. Just for a little bit of hindsight, my road has been put on the Green Lane list and so I have withdrawn it for the simple reason I do not want everybody to turn around and say: "Well, the Constable has made her road a Green Lane." It would be very welcome sometimes but I have withdrawn my road from a Green Lane. Thank you very much.

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

I appreciate the motives behind this Proposition but it is not, I fear, going to achieve what the Deputy wishes. St. Brelade is fortunate in having a comprehensive cycling and walking network and I am very grateful for that to the extent that I seem to be getting increased complaints these days regarding speeding cyclists from walkers so that is another scenario to consider. The green lanes concept is popular and the Proposition approved by the States on 10th November 1987 gave them credibility. There was a gap, I believe, and nothing further happened until 1992 when the former Connétable of St. Peter Mac Pollard developed plans in St. Peter and these were introduced, I understand, on St. Peter's Day on 29th June 1994. Subsequently our 100-mile cycle network was developed with the Green Lane network as its base with Sustrans, the Bristol based charity, and there was support given by way of over £1 million from the Tourism Development Fund which existed at the time. I have absolutely no doubt as to the value of green lanes as an attribute to the Island as a tourism destination apart from our own health benefits of course. My concern is how what the Deputy proposes can possibly and practically be implemented and, more particularly, regulated and policed. I have received several communications from concerned parishioners who feel they will be prevented from using roads they have used for years for one reason or another.

[10:45]

Going back a little bit into history once again, the then Deputy Gorst on 27th October 2008 lodged a Proposition to create a working party to review speed limits and this referred in paragraph (a)(iv) of that to a review of the green lanes. I could not find evidence that that review took place. It may be that the Minister for Infrastructure will have it but it would suggest that a review maybe needs to take place before any law changes can be imposed. There are, in reality, so many variations in the Island's green lanes that it is difficult to make rules to fit them all. Jersey has limited physical space and many different users of our infrastructure. If we prevent one user group from using a particular road, there will be consequences on others so we must be cognisant of this. There does not seem to have been much or any consultation with either the States or Honorary Police on the practicalities of maintaining the present position or, indeed, an enhanced version of what we already have. The cost of signage and road markings are not insignificant and I would suggest that, given that most Parishes have set this year's budget, there will be no potential funding until after May 2021 for any increased expenditure in this area which of course would have to be accepted by a Parish Assembly. I conclude by saying that I really do appreciate the sentiment of the Deputy's Proposition but cannot support it at this time. Thank you.

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

It is always a pleasure to follow my Constable. I have no problem with the concept of designated roads and an Island-wide network of roads giving priority to pedestrians, cyclists and horse riders but not at the exclusion of a citizen's right or a tourist's right to drive down that lane or road so long -

and I must emphasise - so long as they adhere to the speed limit of that road whether it be 15 miles an hour, 20 or 30, whatever. It is the speed limit, I think, and to adhere to the speed limit is the issue at the end of the day. There is a degree of confusion in the Deputy's Proposition whereas not all roads will be green lanes, not all will be covered by the same legislation and I think that will lead to a great deal of confusion. I am not a great fan either of signage in our countryside. I think, to a great extent, it denigrates the beauty of our countryside and I think we all agree that over the years, we have seen more and more signs popping up here, there and everywhere and I think if we can, we should, at all costs, try to avoid any more signage popping up wherever. The Constable is absolutely right, it was Mac Pollard, the Constable of St. Peter, that introduced these measures and I think 15 miles an hour was introduced as a deterrent for motorists to prevent them or at least to deter them from venturing down those lanes and, to a degree, it does work. I am sure you will agree trying to maintain 15 miles an hour in a car is quite a challenge at the best of times. I am also aware, and have been for some time, that there is a piece of work in motion. The Deputy of Grouville has been fully behind the eastern cycle route for many years and certainly as a member of the Planning Committee, wherever possible, we try to obtain money from large developments to help support that network. I was pleased also as a committee member in 2015/16 to support the creation of the cycle and pedestrian track along St. Peter's Valley. For me, this is about personal freedom and taking away that personal freedom. I, like the Constable, have been contacted by many parishioners. Some are in favour most definitely of the green lanes, of the designated roads. Why would they not be? I have also been contacted by many who say that they really would greatly miss the opportunity ... there was one specific example. His mother, who is in her 90s now, absolutely loves going out on a Sunday for a cup of tea somewhere driving down the green lanes, the leafy memory lanes of her childhood, and it would be a travesty I think to bring in a law that could potentially stop that from happening. I have this issue with the Proposition and the phrase "essential travel" and I agree with other Members who have spoken against that already that to police that, to enforce that would be very, very difficult. I will be listening to the debate as this goes on just to gather the thoughts of other Members. I will just go back to the speed issue. There was a St. Helier parishioner who lives in Vallee des Vaux on the radio the other day and I think the main complaint was speeding. He had taken some measurements and I think the average speed was 26 in a 15-mile-an-hour lane. Surely if speeding is the issue, then the police should be trying to police this issue. I am certainly going to support the Constable of St. John's Proposition when it comes along to introduce portable speed cameras because I think if we do not have the resources - and that is often the reason why the speeding is not clamped down on - then we should rely or look to technology to help bring in a deterrent to stop people from speeding. Often lack of resources is used equally for things like using mobiles when driving and for littering. That was given as a reason recently by the Minister for Home Affairs for not cracking down on littering. Let us look to technology to help bring down the speed and make the green lanes available to everyone. I think that is so important. We are all in this and I think everybody should have the use of these lanes. As I say, I will listen to the debate as it goes on. I do not think I will be supporting it but I will listen in interest. Thank you.

1.1.10 Senator S.Y. Mézec:

Just a brief starting point is to remind Members that the words "green lanes" have been amended out of this Proposition. Deputy Ward has accepted the Amendment from the Comité des Connétable which replaces it with "designated roads". Lots of Members are still talking about green lanes in terms that it sounds to me that they have not quite recognised that point that this is no longer a debate exclusively about green lanes and so we should proceed on that basis. For me, this is something I have observed over the last few years. It seems that when literally any change to how a road is used is proposed, people come out to predict Armageddon because of it. The same thing happens every time. There are accusations that the slightest change in how a road is used will cause chaos and there will be more congestion. There are clearly a few examples of where changes have been made that have not been the best thing but I think it is noticeable that some of the ones that people have

complained the most about have, after time to see how it has gone, turned out to be really good things, like the turning from Charing Cross to Sand Street car park. People complained about that when it was proposed. I do not think there have been many negative consequences from doing that apart from the positive consequence being that we get a nicer pedestrianised area there. There is a turning from David Place to Gas Place on the northern side of the Millennium Park that I used to drive on all the time as it was convenient to get to where I live. That was changed for safety reasons, quite rightly. I now never drive on that road and, guess what, that is absolutely fine. I just go a different way and you just change your behaviour. That is what happens when the rules around what you can and cannot do on particular roads change. It just changes people's behaviour and often that can be used as a mechanism to promote more efficient use of our roads. There are people who will take shortcuts through quiet lanes that really they should not be doing but they think: "It is a shortcut so I will just sneak through there" but if everybody does that, then it will not act as a shortcut anymore. It can cause other problems with congestion. Though it may seem counterintuitive to get people driving on main roads instead for the biggest part of their journey, that can be a more efficient way of manufacturing how traffic goes. There was a petition not that long ago about increasing the speed limit on Victoria Avenue to 50 miles an hour because people thought that would help us get through our journey quicker. Of course, it does not because you just end up at the traffic lights at the end in a bigger queue at that point because everybody has arrived there more quickly. On the London Underground, some of the signs pointing to the exits point you to a longer route than you could use to get out of a train platform because they know when there is congestion you need longer corridors to contain people. Otherwise, everybody would be stuck at the barriers. It is the same principle here. There are smarter ways of using the roads we already have and people will just change their behaviour if the rules change. This question about enforceability I do not think is particularly sound. People often seem to think that if a law is not enforced absolutely 100 per cent, then it is not a good law but the reality is that many laws are either unenforceable or at least mostly unenforceable. Smoking in cars or even speaking on your mobile phone in a car or wearing a seatbelt are laws that are impossible to enforce 100 per cent but the fact they are laws means that people change their behaviour. My grandmother, when she was a passenger in a car, never ever wore a seatbelt until the day it became law and then she wore one every single time after that because the law had changed and that would simply be the case here. The Proposition, as it is worded, is not the final point in this. It does ask for further work to be done. It says that designated roads are to be decided not by this Proposition but by mechanisms that will come afterwards and so they will not be designated if it is not sensible to designate those roads as such. It does not ask for the final proposals to come back until the first quarter of next year. I note that the Deputy of Grouville pointed out that that was after the work that she is also doing and the fact that it is now designated roads rather than exclusively green lanes in this Proposition I think shows that this compliments the work she is doing. I did not hear her say anything in her proposition to say that she was stamping an outright opposition to this. I think that shows that there is something in this that could be helpful for those who want to see a promotion of cycling, walking and of using cars more efficiently not just because that is good for the environment but it is better for our maintenance of roads as well and for safety in those quieter areas too. I understand that the group Cycle 4 Jersey is supporting this Proposition so there has to be something in that that those who are particularly concerned about these issues want to support this and not just support the work that is also going on behind the scenes. I will wholeheartedly support this Proposition. I have had it in the neck a little bit from some of my friends who are petrol heads who, when I have said: "Right, let us sit down for a few minutes and I can explain to you what this is about" then suddenly start realising: "I guess that kind of does make sense" even if, instinctively, they might have been against it at the start. One of the reasons I want to support this is because I just have nightmares that we are going to do what this Assembly is so often good at which is we come to a general consensus about a principle because of our collective experience as an Island.

[11:00]

We had this with Deputy Ward's Carbon Neutral Proposition, a fantastic Proposition and absolutely visionary, where we agreed to the principle behind it because there was a movement at that moment about climate change and preventing the disasters that were coming our way at the time. Now, having gone through this health crisis and people's behaviour changing drastically, and people's usage of the roads changing very significantly as well, there seems to be a more broad consensus that we want to promote more sustainable travel, that we want people to be travelling in more healthy and environmentally healthy ways too. When it comes to the crunch and when it comes to doing something to deliver on it, we will do what we so often do which is we prevaricate, we come up with excuses, we focus on what we are against rather than what we are for. I really think that that does not serve our Island well and it is one of the reasons that there is so much disillusionment in our Government systems because, so often, we are not prepared to grasp the nettle and take things forward. I congratulate Deputy Ward on this initiative. I think it sets the path forward for some good progressive changes in the future without being prescriptive enough to risk there being unintended consequences that cannot be managed in the future when this is dealt with through the means that he is suggesting in this Proposition. I ask Members to reject those that suggest Armageddon is heading our way; extra congestion, chaos on the roads and what is going to happen to the tractors on the green lanes? For goodness sake, that is clearly nonsense. Deputy Higgins, who I hugely respect and admire for much of the great work he has carried out in his time as a States Member, gave one of the poorest speeches I have heard him give suggesting that this is somehow an issue of discrimination, which by no stretch can that word be used to describe what is going on here. I ask Members to reject those arguments and support what is a positive green initiative from Deputy Ward and let us demonstrate that our commitment to more sustainable travel and doing our bit for carbon neutrality is something we want to stay true to.

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

If I could start with just pointing out that, far from being the forgotten sport when it comes to funding in Jersey, over the last few years, certainly 5 or 6 years, it has probably been given more money than any other sport with millions spent on cycle paths, although I do appreciate that to many it is more of a pursuit than a sport, or perhaps I should use "pastime" as a "pursuit" could conjure up images of Chris Hoy and Wiggo [Bradley Wiggins] speeding around the banking. I do feel, as Deputy Ward said, cyclists get a bad press, certainly in comparison to those on horseback, perhaps people prefer jodhpurs to lycra, I do not know, but they are viewed as angry and cheerless, which is rather harsh. In fact cyclists are not without humour, I saw one sporting a shirt with the legend the other day: "Cycling, put the fun between your legs." It appears in lockdown people have done exactly that and heeded the t-shirt's message. But not merely because I have discovered they have a sense of humour, I also feel there is a case for far more cycling paths as the Deputy of Grouville suggested, particularly for the recreational cyclist, even though at the moment I feel they are underused but they will only gain in popularity with the network being expanded. As for road races, the clue is in the title, they can use the roads. Possibly we could even, with our new sports policy - and, who knows, it would again depend, like so much in the Island, on funding going forward - look at some form of velodrome, but that would be up to the Minister for Economic Development, Tourism, Sport and Culture. I cannot support this due to the fact it deprives a large number of Islanders the pleasure of viewing these little gems of green lanes. For many elderly people, a bike, horseback or walking any distance, is an impossibility and we are moving in a direction of robbing them of access to some of the most beautiful parts of our Island. While putting children first was something I signed up to, putting old people last was not.

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

I was not planning to speak because the arguments in favour of having a look at this proposal seriously I thought would be overwhelmingly seen, but what I have heard has shown to me that we are very good at finding reasons why what is an innovative and different proposal should not even

be given a chance to get into the starting gate. It is very disappointing because there is no question that there are loads of practical issues of implementation here to be solved, which the Proposition makes it plain will have to be looked at in detail by the Connétables and the Minister for Infrastructure. Anything that comes from that will need to come back to the Assembly. There is plenty of opportunity for the solutions to some of those issues to be dealt with and I do not see this as being a proscriptive Proposition where everything is going to come out that way in every word, because there is that whole process of asking the Constables and the Minister to bring forward details by quarter one 2021. Of course also we are now not talking about all of green lanes and the Deputy has been very wise to detach the Proposition from the whole idea of green lanes. I can remember when the green lane proposal first came up; I am struggling to remember when it was when former Connétable Mac Pollard was visionary about this and he persuaded other Members. I remember in particular being a member of a green lane committee as a private citizen, well before I was in the States, in the Parish of St. Lawrence. Of course these arguments, the same arguments that are now being made, were applied against why we should not have green lanes. Of course there are still mixed views, we have some Parishes, most Parishes have adopted them, but some have not. If one looks at the character of the lanes themselves, they are quite different. There is one particular green lane that we have in St. Helier, which is right through the middle of a housing estate, so it seems to me there is a wide divergence there. It is right in our community that those decisions are made by the Parishes and the Connétables on which roads are so allocated along there. But of course things have changed since we introduced green lanes and what we now have is a vast increase in the number of vehicles on those roads and therefore we have vehicles looking for ways around traffic jams and looking for what we colloquially call rat runs and so on and we know where they are. Vehicles are much bigger, in those days we did not even think about the kind of size of vehicles now, there is obviously the fashion of these big Chelsea tractors, I do not mean to be offensive, but they are big and of course they take up a much wider width of those roads and nowhere is that more apparent than in a narrow lane. The speed of vehicles is generally higher, they are more powerful and more efficient and faster. I regret to say, and I have to say it, our community's tolerance of pedestrians and cycling and others is not as good. There are tensions between the various road user groups and of course one needs to look no further than some of the selfish behaviours that go on - thankfully it does not go on in the lanes but it goes on in the big open roads - with the speeding element and we have all come across that. But cycling is undoubtedly now incredibly popular and it is absolutely in line with our Health and Wellbeing Strategy. It is also a huge part of our tourism economy and there is great potential there, we have done lots of work to try to link up these various bits of lanes and so on through the Access to Jersey Strategy and that is being actively marketed. Horse riders have difficulty, they already have a lot of conflict with other users on country parks and so on. The situation has changed and what the Deputy says is his proposal gives an opportunity to have a relook to see if there are any of those lanes that are currently green lanes where one could designate them in the way he has suggested. Of course he is not saying there is going to be many, I would think there are hardly any at all, and they cannot even come forward unless the Constable proposes them and the Minister for Infrastructure is content that the details work, so all the safeguards are there. We need to give support to backbenchers generally. It is the way in our States, in this particular States, we seem to have been able to progress; that good ideas come forward and then they go through a process and get shaped and out of it comes something that is really effective. So I congratulate Deputy Ward, we should support him and we should not block him at this particular point. So I would ask Members please go with the Deputy, support the amended Proposition. That is exactly in line with what the Minister for Infrastructure's comment says, he set down all the problems, yes, and he has done his job to tell us those, they are problems to be solved, but in the end he says he is prepared to go along with it. I praise that and I too am going to do the same thing.

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

Deputy Ward came to see me early on when he was planning his Proposition, partly to check that I was not going to try and amend it, as I have done his previous propositions on transport matters, but also to pick my brains really about the way forward. I directed him helpfully towards the idea of liability as being an important part of making the green lane system work better, enshrining what is in the Highway Code in law. Before I come back to the Proposition, I just want to answer a couple of queries that have been raised by previous speakers. Deputy Ahier asked whether the Roads Committee has considered this matter in St. Helier and I can answer to him that, while it has not been tabled as an agenda item, it has certainly been discussed. Indeed at the last Roads Committee meeting we received a delegation from Cycle 4 Jersey and St. Helier Roads Committee is very sympathetic to anyone who is trying to make cycling more practicable for those who can do it and safer to encourage people who do not currently cycle to take it up. I have said all along that the green lane network is a wonderful asset to Jersey, both for locals and as a tourism incentive, and it has always been a matter of profound regret to me that 2 Parishes have not come on board with the green lane system. That I suppose is one reason why the Constables are looking for a new term “designated roads”, which is certainly not going to appeal to the tourists, we will have to find a better label than that. Other communities have “quiet lanes” and so there are ways around the problem, but in an ideal world all the 12 Parishes would sign up to the green lane network, recognising the benefits that flow from it, not only to people who want a quiet walk or cycle or horse ride, not only to tourists but also to local people who want to go out for a quiet drive in a green lane, and why should they not? The green lane system after all depends on the 15 mile an hour speed limit being enforced and if liability was added to the green lane network then in a way it would take the pressure off enforcement because, if you take your car into a green lane and you know it is going to be your fault if you run into someone, then you are going to drive much more carefully, much more cautiously, around those corners. I have to say that would also need to apply to cyclists because all the Constables receive complaints about a minority of cyclists who can easily achieve speeds doubling the green lane limit, so they can be going down a green lane or up a green lane at 25 or 30 miles an hour and why should the protection of the most vulnerable road users that is the pedestrian not also apply to people who are on a bicycle or any other form of transport. To state my position, I would like to see the green lane network completed; I would like all the Parishes to come on board, and I would like Deputy Ward’s proposal that liability is quite clear in a green lane so that people would feel much safer; that whoever is using the green lane system will have to respect their right to go for a quiet walk or bicycle ride.

[11:15]

The Constable of St. Saviour also mentioned that she had removed her lane off a list of prospective green lanes in St. Saviour and that is very sad. I completely understand her motivation but as elected Members we have to be absolutely clear about this. When I was elected Deputy the road that I have always lived in since moving to St. Helier had already been made a traffic-calmed street but I always had to put up with jibes from people, who were perhaps less aware of the timetable, that I had somehow come into office and promptly traffic-calmed my own street. As long as the Constable is absolutely transparent about the fact that she lives in a potential green lane, then it would be probably a mistake to take that lane away from the people who would otherwise be able to enjoy it, just because she happens to live in it. The Constable of St. Brelade also mentioned the speed of cyclists and he is absolutely right, it is an issue and this is why in recent States meetings I have been questioning the Minister for Infrastructure about whether a pedestrian who is run into on the Promenade, for example, around St. Aubin’s Bay by a cyclist going really fast, will be protected in law. So far the answers I have received have not been satisfactory. In St. Helier we do use access to premises only as a way of eliminating rat runs; that works really well, particularly because most, if not all, of St. Helier’s access to premises only signs exclude cyclists from that provision. I did advise Deputy Ward that I could see issues arising and many of those issues have arisen today. The reason really why I am supporting him, apart from my belief that strict liability to protect pedestrians is necessary in green lanes, is that what Deputy Ward is doing here and what he has done in his previous propositions on

transport policy is he is reflecting the intense frustration that is felt by Members of the States Assembly with the paralysis which has gripped the successive Ministers for Infrastructure. The Deputy of Grouville in her very moving speech really illustrated that frustration. She has been campaigning for the Eastern Cycle Route for a decade and, as I have said in the States on a few occasions now, the Parish of St. Helier in 2005, that is 15 years ago, was so frustrated with the absence of joined-up cycling and walking routes in Jersey that we sent a list to the then Minister, who I think was Deputy de Faye. We never had a reply to that letter or to that list and I do not believe to this day that attempt to provide a list of cycling routes for the Minister has ever been responded to. Even today in his remarks to the States earlier, the Minister for Infrastructure in his list of transport-related matters still puts buses ahead of cycling and walking. I do not know how many times I have said this to him in the States in successive debates on transport, but you have to put walking first in any transport hierarchy and then you have to put cycling after it, and of course you also have to put the needs of disabled drivers and disabled people right there at the top of the list. The fact that the Minister is already putting buses ahead of these more sustainable modes of transport does not fill me with confidence that the new strategies that he has committed to, and in fact been instructed by the States to bring forward, it does not fill me with confidence that we are going to see what we are looking for at the end of the year or early next year. So I do share the frustration of Deputy Ward and other Members who long to see a forward-thinking visionary courageous Minister for Infrastructure who will put in the kind of routes that make walking and cycling safer right across the Island. Whether this particular mechanism with the various hurdles it has to get through, not only this States debate but of course it then has to get through law draughting, the idea of essential travel has to be understood and explained - and that is a problem because I absolutely agree that anyone should be able to use the green lane network regardless of their mode of transport - the key thing is that they need to keep their speed down and they need to respect the rights of the most vulnerable road users. I will be supporting the Proposition.

1.1.14 Deputy T. Pointon of St. John:

When I first saw this Proposition, I became very concerned that the people of our Island were in mortal danger when walking, cycling or horse riding, in our country lanes. So, as a result, I did some research with the police to find out just how dangerous the lanes in St. John are. I was surprised to note that of 40 reported vehicular incidents in the Parish in 2019 not one occurred on a green lane, an indication to me that it is currently relatively safe to utilise the Parish lanes as they are today. In addition, I approached the Roads Committee for their opinion about the Proposition and they could not see how this could work in the Parish given the layout of the roads network. A minute examination of the Parish on Google Maps, and I have a habit of using Google Maps, confirmed the difficulties that would prevent the implementation of the Proposition. There are very few, if any, joined-up lanes in the Parish of St. John. The proposal found no favour with the Honorary Police who have the job of trying to enforce the changes, a task that is currently beyond their capability and not just because of numbers of personnel but because of the times of day that they can operate, because most of course have a daytime job. I am very much more concerned about the main roads on which 40 incidents occurred in 2019. There are deep concerns in Sion and St. John villages where traffic density and speed has all but pushed cyclists, pedestrians and horses, out of the space. For many households, the only way to be mobile is to join the stream of traffic flowing north or south, east or west. I appreciate the sentiment behind the Proposition but it is concerning, certainly for me, when travelling at the permitted 15 miles per hour in Vallee des Vaux, a group of cyclists pass at an unknown but far greater speed. I will not be supporting this Proposition.

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

I thought I should speak on this Proposition as a Connétable of a country Parish with 41 green lanes and I am pleased that the Amendment from green lanes to designated roads has been accepted. As the Constable of St. Lawrence has stated, green lanes are already designated in law principally for

enjoyment and for access to premises. Sightseeing has not been addressed in Deputy Ward's Proposition and this is a major concern for the many who have contacted me, they are worried that giving freedom to cyclists, riders and walkers, will deny the right of those who are not capable of doing any of the above to enjoy our countryside. Saying this, I am totally for safe cycle routes and to this end I have formed a cycling committee in St. Martin, 2 of the founder members are a member of our Roads Committee and our Chef de Police, both are very keen cyclists, and a representative of Cycle 4 Jersey has also been asked on to the committee. We in St. Martin are already committed to this, we had set up the safe cycling before the Proposition was lodged, and we are committed to safe cycle routes in the Parish and work has already been carried out. What we do need from this Proposition is clarity on how this Proposition could be practically implemented and policed. I know my Parish well and my Roads Committee know the roads better than I do, as does the Chef de Police. As I say, I am totally for safe cycling and I will admit that my family, not me, are all keen and competent cyclists and think nothing of cycling 20 or 30 miles in a day. By coincidence, I have just received a message from my husband ... months ago I ordered an e-bike so that I could take part in our branchage, which is wholly successful on bikes, and after a long wait my e-bike has finally arrived and I will be going to look at it at lunchtime. But judging by the messages I have received, I would like to think, if you took a poll, half of the people would vote for safe cycle routes and half would vote for the continuation of scenic lane driving. Therefore I am hoping that Deputy Ward will address how he believes this Proposition could be practically implemented and policed and what will happen to tractors and those who are elderly and still enjoy a scenic drive around the Island.

1.1.16 Deputy R. Labey of St. Helier:

Deputy Ward presents his case very well as he usually does and, as has been said, he is very well intentioned. I am worried about some of the messages that this Proposition sends out however. Priority has to be given to horses on all roads by all vehicle users, including cyclists, and that message is confused here because cyclists cannot share priority with horses on certain roads, they have to give priority to horses too. I was on the Planning Committee, along with Deputy Truscott, who passed the dedicated cycle route through St. Peter's Valley and the flak we received for it, never mind that it was not public money, most of it was planning gain money, the absolute flak we received for it, and now when I go home sometimes on the number 8 bus through the valley I often take pictures on my phone and Tweet them of cyclists enjoying that cycle path. To remove it from them now would be absolutely unthinkable. "Build it and they will come" is as true of cycle paths as anything else, especially dedicated ones. It seems to me there is potential in the green lanes to be unlocked here for cycle users. It also seems to me that the Deputy of Grouville has gone about unlocking that potential in completely the right way and she has been working on it since last year, her speech was a revelation and also incredibly gracious. I would be a bit cross if I was her. She has been working on this with interested parties and other States Members. She has even, we learned today and this was new to me, found a map for a cycle route through green lanes in every Parish and a representative in each Parish to take anybody with questions through it and she has delivered those maps in February to the Comité des Connétables and is awaiting their response to that. It seems to me that is the way to start this, start small with one dedicated route or 2 through the Parishes using the green lanes where it would be cycle priority and pedestrian priority, very clear, and motorists will probably get the hang of avoiding those: "I do not want to bump into all those cyclists, I will probably use another route." It seems to me that is the way to start it. It is a shame, when offered, Deputy Ward did not get in behind the Deputy of Grouville instead of trying to overtake her with this Proposition, which is dodgy in parts. I do not know what to do with Deputy Ward's Proposition but I do know that if the Deputy of Grouville does not get any joy in taking the right route that she is taking, going through the right channels and putting in all the work, if she feels she has to come to the Assembly because she is not getting any joy from the Infrastructure Department or the Comité or what have you, I guarantee I will back her and vote for it 100 per cent because it seems to me she has done it in the right way.

1.1.17 Senator S.W. Pallett:

Members will be surprised, as the Assistant Minister who oversees physical and mental well-being in the Island, I did not support this Proposition. Anything that is going to provide more opportunity to explore what the opportunities are for getting more of our Islanders cycling and walking, running, in safe areas, including our quieter lanes, is absolutely the right way forward. Through Jersey Sport and some of the work that I have been doing, and also the work that the Deputy of Grouville is doing with the group that I am also a part of, we do need to work much harder in not only supporting those that have picked up better habits in terms of staying physically active through cycling and walking more but we have to really promote and look at ways where we can enhance the system or the infrastructure that they do it on.

[11:30]

Deputy Labey mentioned the cycling group and I have to say I am disappointed that Deputy Ward did not come to the group and try to work with us in regard to direction. But my view is slightly different to his; I am sure this Proposition is not going to harm the present work that we are doing or the work that Jersey Sport will do through their Move More initiative for example, which will promote cycling in many ways. This is not a criticism of this Proposition but for me it is almost not ambitious enough. Deputy Lewis, the Minister for Infrastructure, used the phrase: "It is well intended." That for me sends out alarm bells because, when people say things are well intended, they tend to not have a lot of time for them or they are not going to be given the full support that it needs. We have to start somewhere when it comes to changing attitudes. The Constable of St. Helier mentioned that successive Ministers for Infrastructure probably have not been brave enough and we are going to have to get to a point where we are braver in our choices around sustainable travel and at some point, and I am not saying we are at that point yet but at some point, we are going to have to accept that the car cannot rule in this Island anymore. We have already agreed a Sustainable Transport Policy and a Carbon Strategy, both of which are going to require us to seriously look at car use in this Island. I am not saying this Proposition is going to go all the way to doing that because it certainly is not, but it will certainly start to change attitudes and, by changing attitudes at this point, after we have had such a really difficult time through COVID-19, is the right time to think of a wider culture change and really think about how we can better deliver transport in the Island and encourage more people to travel in different ways in and out of St. Helier. I mentioned that this Proposition was not ambitious enough. The criticism is based really on a couple of things. What I would have liked to have seen is something within this Proposition that looked specifically at having a full network of safer school routes. I know we have some fantastic school routes to certain schools on the Island, but certainly I would like to have seen all the school routes linked up to ensure that all of our children have the opportunity to cycle to school or walk to school safely and are not disadvantaged. The other area as well, and it has been mentioned in regard to the St. Peter cycle route, is that we have to have a much better commuter network for walking, cycling and running into the town centre. The St. Peter route has helped but again we have let Islanders down on the east side of the Island by not providing a cycle network. We have put parts in but for me people are always going to take the shortest route and when we look at how we are going to get Islanders from the east of the Island into St. Helier sustainably, we are going to have to be a lot braver in some of the decisions we make about use of some of our roads and we are going to have to compromise with the use of the car to some degree. My own Constable, the Constable of St. Brelade, mentioned speeding cyclists and I have been made aware of issues and concerns and they are absolutely relevant; it does work both ways but the bigger risk to me has always been speeding cars. If we are worried about the speed of cars travelling through certain parts of our road network then we need to deal with it and we need to deal with it by enforcing it. We have an incredible network in St. Brelade, a lot of people do realise that, but we are lucky that we had a lot of that put in during the last century and we are lucky to have benefited from that. But we were the first Parish to review speed limits, we made sense of a lot of speed limits that confused motorists, and it has certainly, I believe, made the Parish safer. But again some of them were not popular and sometimes you just need to take brave decisions. They are not

always going to be approved by everybody but as an Island we really have to start standing up and start thinking about how we are going to deal with some of these really difficult issues and stop ignoring them or putting them on a shelf because they are just too difficult to deal with. Enforcement is barely mentioned and I really worry about enforcement. We have laws now ... I know from my own time in the Honorary Police, it is very difficult to give the time and effort to all areas of police enforcement, but I am a bit concerned about creating laws that are never enforced. I have only just this morning had a look at the Pedal Cycles (Jersey) Order 1998 that covers pedal cycles and one of the Constables might be able to put me right but I cannot ever remember hearing about somebody being prosecuted under that particular Order. One of the interesting things within that is that electric bikes, for example, under the current Order are limited to 15 miles an hour. I still cycle a bit and I get overtaken quite often by electric bikes going far faster than that. If we are going to think about legislation, it needs to be reasonable, it needs to be proportional, but it needs to absolutely be able to be enforced, and there lies part of the problem. I do not want to see people criminalised unnecessarily because I do not think that is the Island that I want to live in. It is much more important for me, and part (e) of this Proposition really picks up on that, that we look hard at how we are going to make the public aware of, not only what we want to have in terms of designated lanes in the future and how they are policed and how they work, but also what we currently have. I am fortunate, I live off a green lane and I have to say 95 per cent of the vehicles that use that road do it responsibly. But a lot of it comes down to lack of awareness by those that do not understand what the rules are in green lanes and we could do a lot more - and I hope this Proposition will achieve that - to make the public aware of what we are trying to achieve. I for one would not want to see people that live in green lanes disadvantaged any more than they need to be, certainly those that live in them. There have been some comments around various things that take place in green lanes and this will all stop if we go forward with this particular Proposition. The clue is in what essential travel will be, for me a lot of the things that people have mentioned that potentially could be stopped or limited are essential travel. Farming and the use of lanes for farming is essential. Builders vans, if they are working in a particular lane and they have to get to a property, it is essential. Access to premises is essential. For me, sightseeing, but again it is down to how we describe what essential travel is, needs to be part of essential travel. People come to the Island to make the most of what is an incredible environment in Jersey and, I agree, not all can cycle or walk around those lanes and some will need to drive. But, again, as long as they are abiding by the law and abiding by the speed limits, and 15 miles an hour in a car is pretty slow, then that is a reasonable use of a lane. So there is a lot of work to be done around what essential travel is but let us not dodge this; let us try to get this Proposition to work and improve on what we currently have. I am just going to finish on one last point around cyclists. There is a minority of cyclists that disrespect the law but the vast majority of cyclists respect the law and respect the wonderful environment they have to cycle in and a lot of the infrastructure that has been put in specifically for cyclists. But if I had a choice between having 20 extra cyclists or 20 cars on the road, I would go for every single reason I can think of, environmental, safety, making it easier for people to get in and out of St. Helier, there are lots of reasons why I would prefer to have the 20 extra cyclists than the 20 extra cars. For me, in terms of health and well-being and sustainable well-being in this Island, we have to start looking at it that way, trying to get cars off the road. This Proposition is much narrower than that but it is a starting point and I applaud Deputy Ward ... I know not everybody is going to vote for this but I applaud Deputy Ward for bringing this. There are a lot of issues within this Proposition that are going to take a lot of discussion between the Constables and the Minister for Infrastructure. If this is passed, I really hope that they will grab the opportunity here to design a system that is going to improve people's lives. For me, having sustainable well-being and that being part of Jersey life and part of decision making, we need to look at that in this particular Proposition. Is this Proposition going to improve the well-being of Islanders? For me it does and that is why I am going to vote for it and I urge Members to also vote for it. It is a small step but we have to start taking small steps because the Island will not accept big steps, so let us do the small step and support this Proposition.

1.1.18 Deputy S.G. Luce of St. Martin:

It is clear during this time of lockdown that we have seen massive increases in the amount of physical activity that Islanders have been taking part in. At sea, we now see paddleboards and kayakers in almost every protected bay and on land we have seen walking and cycling come on leaps and bounds. But unfortunately we have also seen with that an increase in speeding and, let us be clear, speeding, walking and cycling on roads all at the same time is not a good combination. I accept there is a lack of legislation currently but it is my experience in St. Martin that green lanes are well observed. I am all in favour of more cycle routes and Members will know that I have been pressing the Minister for some time now to do more to allow access for cyclists and pedestrians in St. Helier. But I have to say I found some parts of this Proposition confusing and I found myself arguing with myself about designated lanes versus green lanes and I have to say that I do not like the word “designated”; I did not find it was helpful when it came to trying to work out what this all meant. So consultation for me is absolutely essential because, as we have already heard from some speakers, the word “essential” itself is giving us some issues. I am pleased that the Parishes will be consulted and will get to decide ultimately what happens here because in St. Martin we have the most wonderful block of continuous green lanes and if I have the opportunity while I am Deputy and I get the chance to strengthen the rights of pedestrians, cyclists and horses in those green lanes I will do that. But, let me be clear, I would do that without exclusivity for those 3 activities. So I want to get on and consult and see if we can find ways to progress further here with these lanes but I would say to those Members who are going to vote against, and there have been a lot of questions about some of the things here, there are 9 words that have been added to this Proposition in the Amendment and those come at the end of item (c) and they are the words: “If considered practicable by the Comité and the Minister.” I would say to Members who are against this Proposition that please take some comfort from that because unless some of the measures that are proposed ... unless we can find ways around them and move forward, they are not going to happen. So I am happy to support the Proposition as amended but, let me be clear, I am absolutely resolute in my mind that Government have to do more. I do not want to see any more excuses and delays. I have seen many of them over the years and, like the Constable of St. Helier, I found it hugely frustrating not to be able to see more progress on these issues in St. Helier, not necessarily in green lanes or designated lanes, but just lack of progress on the ability for pedestrians and cyclists to move around town and I have been bitterly disappointed by the woeful performance of Government with the Sustainable Transport Policy where all we have had is words and no actions.

[11:45]

We need to be in a position where we say yes and ask what the next question is and not say no to everything. I have the greatest of respect for the excellent and hard work that the Deputy of Grouville has done in her bid to increase cycling on the Island. I do not necessarily agree with everything she has proposed but we need to give her absolute credit for the hard task that she set herself in connecting up cycle routes and I give her my full commitment on that. In conclusion, I would like to say this to Members, let us see some commitment, let us find some agreement, and let us make some progress, and vote in favour of this and make life better for Islanders.

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

This has been a most interesting debate, there is no question about that, and it is fair to say that the States Assembly as a whole is definitely supportive of creating a more sustainable transport situation in Jersey and in fact we have already described this through our support for developing a new Sustainable Transport Policy, which I believe was part of a proposition brought by Deputy Ward himself. I do, however, have a number of concerns about this Proposition and in fact probably the largest concern is linked directly to the development of that Sustainable Transport Policy, because it does seem to me that by adopting this Proposition we create a sudden piecemeal approach to encouraging cycling, to encouraging pedestrians, to encouraging horses in use across the Island. In

that sense, I definitely fear that accepting this Proposition would undermine work being undertaken by the Department for Infrastructure, the Minister for Infrastructure, and also, as was so carefully and eloquently said by the Deputy of Grouville, work that is already being undertaken by very committed groups who want to find solutions and who want to develop cycling networks and so on. I would absolutely like to congratulate the Comité des Connétables for their Amendment, which I feel does make this Proposition more acceptable, however, for reasons that I will go ahead to say, I really do not feel I can support it, despite those Amendments. One of my biggest concerns is the sense that some people we have already heard about, people who are unable to walk or cycle feeling that they are no longer allowed to use the lanes. Whether it is a practical result or not in terms of legislation that falls from this Proposition, were it to be adopted, the sense that people may get that they are no longer able to use the lanes would, I fear, outweigh any reality in the legislation. I am not trying to pretend I know Deputy Ward's parishioners better than he does himself; I completely accept I am not a Deputy in St. Helier, but I feel that some of the people who would be most affected by this Proposition, were it to be adopted, and affected in a negative way, would in fact be parishioners of St. Helier, those who live in the urban area and for whom cycling, walking, horses are not an option. We must not forget we are debating this on a day of fine weather, having had fine weather for a long time, it feels like cycling or walking is something that everyone can do all the time. But we know that for 7 months at least of every year Jersey weather is not of the type that encourages people to go out without some form of protection and clearly cars do create that ability to go out and about on a wet day without ending up soaking and cold. So I do fear that many people in St. Helier, where the largest population of the Island lives, and so I am talking about thousands of people, would feel that they are no longer able to use the lanes, which it is their absolute right to use those lanes and to do so with cars. So myself, living in St. Lawrence, I would still, according to this Proposition, be able to use lanes in my immediate area because getting home would be essential but if I live in a flat in St. Helier suddenly I cannot use those lanes because my travel is not essential. It is also important, and it has been mentioned, that currently the Highway Code, which does have weight in law and again Deputy Ward's Proposition avoids that point and it is a real shame because the Highway Code does have weight in law, and it says that the green lanes are to be used only when absolutely necessary and for sightseeing. That is absolutely the right balance. That enables people, whether they are unable to cycle, walk or ride a horse, to enjoy the green lanes. There I am talking about older people and people with disabilities or health problems that just do not enable them to walk 3 or 4 miles, as well as people in St. Helier who perhaps cycling to St. Martin or cycling to St. Ouen is not a possibility and so they would want to perhaps drive to St. Ouen to go for an afternoon walk; that happens a lot. But in getting to St. Ouen they would no longer be able to use the lanes and enjoy them on the way. So I am very concerned that this, while we all know a well-intentioned Proposition, would have a very negative effect on the very people that Deputy Ward represents, although I am sure he would feel otherwise but that is how I see it. I am also concerned that when a Proposition like this is taken and, were it to be adopted, is taken outside of the work that is already being done on the Sustainable Transport Policy and, as we have heard, the Deputy of Grouville's group, which is working with the Department for Infrastructure and the Parishes, I am concerned that you can have very unintended negative consequences in terms of the environment. People who suddenly are unable to drive perhaps on the direct route from point A to point B would now have to go a very circuitous route from point A to point B, thereby, not only creating greater jams on the major roads, but also travelling further and emitting far more carbon emissions on the way. It is impossible for me to know exactly whether that would be the case, which is my point entirely, we need the experts, the officers, to work out themselves whether there would be negative environmental effects in terms of Jersey's carbon commitments from adopting this Proposition. So I feel again that we need to trust to the Minister, trust to the department, to do this work for us in a co-ordinated way as part of their already existing work on the Sustainable Transport Policy. There would be no point in saying: "Yes, let us stop cars being in the lanes," only to find out that raises the amount of carbon that we emit as an Island. It would be shooting ourselves in the foot. I am also concerned that the financial

implications aspect of this Proposition has really not been thought through. Public awareness campaigns cost money. They cost a great deal of money and you cannot guarantee that sponsorship would be found. I feel that was a rather flippant attempt at ignoring the financial implications. Were this to be adopted, Parishes would have to carry the financial cost of changing signage, of road markings, of carrying out public awareness campaigns. This would be something that parishioners have not chosen for themselves and would be thrust upon them by the States. I feel that in itself is an unfortunate aspect of the Proposition, the financial implications here are significant and should have been worked through more fully before we as States Members would find ourselves in a position to be able to vote for it. So, in short, I feel that for this kind of proposition, or the effects of this type of proposition, to be properly implemented, it needs to come through a well thought through co-ordinated approach via the department and the Comité working together rather than from an individual Member because I just do not feel that the many questions that have been raised by plenty of other States Members this morning are in any way answered through the Proposition. The essential travel issue is a big issue, there is no question we would be voting for something that we do not understand at this moment. There is no point in saying: "But when the legislation comes through we will debate it again." If we adopt this Proposition and then the legislation comes through with definitions of essential travel that are not appropriate, we will feel obliged to accept them because we accepted this Proposition. So I feel that by rejecting this Proposition nobody in this Assembly is saying we do not want to encourage cycling, nobody is saying we do not want to encourage people walking in the lanes or people riding horses in the lanes. What we are saying is we accept the intention behind this Proposition but we really very strongly feel that it needed to be undertaken in a co-ordinated manner in a way that ensures that Jersey is best served and gains the most in terms of the environment, in terms of people's ability to enjoy the Island, to travel around the Island, and that can only be done through the Sustainable Transport Policy and through co-ordinated work of other groups who we have already heard about.

1.1.20 Deputy I. Gardiner of St. Helier:

I am pleased to follow the previous speaker because every coin has 2 sides and from my perspective this Proposition, the intention of this Proposition, it is to have this co-ordinated approach between Infrastructure, Parishes, and various groups - the Deputy of Grouville's work, Senator Moore's work - around the Island who are trying to bring together cycling road safe work and similar. So, for me, this is a Proposition to bring this co-ordination in place. Couple of points that I would like to make, the green lanes often run parallel to the main roads or are considered as an alternative route to the main road. They are sometimes used as a shortcut and this is the problem, they only save time if you break the speed limit. In Vallee des Vaux, yes, in my mind, there is no point in using green lanes as a shortcut if you stay below 15 miles an hour speed limit. If we had the resources to police the green lanes and strictly enforce 15 miles an hour speed limit only those who needed really to use the road probably would use it. Another point, it is about access for people who are not able to walk or who would like just to drive. One of the best examples ... I have spent approximately 2 hours in Vallee des Vaux before debating this Proposition last week and there are free parking spaces in the middle of Vallee des Vaux that people from outside of this area can come, can park, and can enjoy nature and it can be discussed and it can be used in other designated lanes as well. So it can be perfect for people who enjoy walking, who enjoy seeing the valley but cannot walk far, so they use these car parks, enjoyed the nature, and going back. Some people also would be happy maybe to have separate lanes for motorists and cycling, some of the motorists will be happy. I would like to bring Members' attention to paragraph (b): "To request the Comité des Connétables to designate roads in Parishes where priority should be given." From this I understand the Proposition will give the Parishes the decision which lanes will be designated, which lanes will be safe to use, and it probably will end up with very small number of lanes and roads becoming designated.

[12:00]

It is also in the hands of the Parish to take these lanes back; if it is not working they can become non-designated again. I agree with the Deputy of St. Martin that consultation is essential and we have to consult with the public but again it is in the hands of the Parish. Here, like Senator Pallett, every small step matters and let us try to do something new and vote for this Proposition.

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

It is always difficult when you come towards the end of a debate to make points that have not already been made, so I will not do that. I have heard a lot of concerns expressed about this Proposition and why we should not approve it, but living in St. Ouen we have a very large network of green lanes and many of them are what I would call genuine green lanes, they have lovely banks, they overlook fields, and they have trees down them and generally they are very pretty, so this Proposition is probably more pertinent for us than it is for some of the more urban Parishes. But the green lanes proposal we have at the moment is not perfect and if we look at my Parish I have Rue Militaire, which runs right through the middle of a housing estate, and you would struggle to find a tree on it. Same with the road that I live on, there are very few trees there, and I do not think any of the branchages have issued any certificat along those roads at any stage. There are also other issues, Rue de la Mare leads to a golf course and has significant levels of traffic from people who are travelling to a business to play golf, and one other green lane, Rue de Grantez, has a flower-growing business on it, so it has a number of heavy goods vehicles using it. I think there is scope to review the green lanes that we have and to decide whether they are green lanes or whether 15 mile an hour speed limits for the safety of all road users are just simply appropriate for those roads. Personally, I welcome this Proposition because I think it fits in nicely with some of the other things that are happening. We have seen a lot of people revert to bicycle-riding and indeed I myself have spent a lot of time walking around the green lanes, something I did not do before lockdown. We are seeing greater usage and we are also seeing an emphasis on non-carbon-related transport coming to the fore. It is not something that is going to go away and it is something that we need to recognise and we need to give cyclists greater access and safer routes into town. The Deputy of St. Ouen is already working on that and we have a green lane network, some of them may not be appropriate green lanes but certainly we would never remove the safety restrictions on them to allow cyclists to travel down those safely. We are working with Deputy Labey in her very admirable Proposition to create a network of cycle lanes throughout the whole Island. Indeed my Deputy has put some Propositions into the Island Plan to create some cycle routes that would join us with St. Peter's Valley. I think in broad terms St. Ouen are very supportive of this. There are, however, some concerns about this. The definition of designated essential travel needs to be looked at very carefully. I, for one, would be very opposed to criminalising people for using roads simply for the purposes of sightseeing or other activities. But I am very much opposed to green lanes being used for rat runs and we have problems with that at the moment. As many people will have seen, Les Landes School has recently started a very admirable incentive to get children to cycle to school and they are doing so using the green lanes of St. Ouen in part and it is something that we need to encourage. We need to keep cars off those roads or keep cars away from children so that they can do that safely and certainly in St. Ouen there are options to do that. I think the cost of road markings and signs is an issue. One of the other issues I have is that while Deputy Ward's Proposition is very well intended, I am, I suppose, maybe irritated that we have not had much consultation time on it and there do remain some significant issues, which I think some Members find an obstruction to voting for this. Personally, I do not because I believe that we can sit down ... and the Proposition that the Comité des Connétables have put in is broad enough for us to be able to work with the Proposition and work up something that does achieve the aims of the proposer. Indeed, for example, things like essential travel; if we find that, as a Comité, that is unworkable it is of course entirely up to us to come back to the Assembly with a revised definition and make sure that it does work. There are a lot of options available. But what I would not like to see is for us to just go backwards on this. I have had a lot of communication with cycling groups and indeed parishioners who use green lanes, who are very keen for those green lanes to be preserved and

indeed this proposal would enhance them. We have to do it in ways that do not criminalise motorists but it does discourage them from using the road. I think on balance I am in support of this. I think it would have been better ... and if it does not go through today it would have had a better chance of success had the Connétables and the Roads Committee of the Island been consulted in greater depth. But, as they say, we are where we are and if it goes through, and I shall support it to try and help it go through, we look forward to sitting down and working out something that does make this work and does enhance our green lane network, so that we do encourage cyclists and we do encourage walkers and horse riders but we also preserve the rights of other road users, such that they have access to the things that they need to have access to and without criminalising them. I think we are finishing on a note that I was reminded of by my Chef de Police who said that: "Any law that is unenforceable is not a good law." We have to work to make sure that if we do pass this that the law is enforceable and it does make sense to all road users and we do not criminalise a section of the general public who should not be, and also we do not pass a law that is unenforceable. On the basis that the Comité des Connétables' revisions to the proposal will make this wide enough for us to work with, I will be supporting the Proposition.

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

It is refreshing to hear a Constable being positive about the initiative being proposed before us today because it does seem to me that I have witnessed that Constable after Constable saying we have been consulted, we have amended substantially the Proposition before us, we have put a clause in to talk about subject to practicability from the Comité and the Minister and yet, having done all that and been co-operative and critical, we are still against this Proposition. It seems to me what we are witnessing is a classic way of getting rid of a backbencher's proposition by pointing out that it is not perfect, that the Is are not all dotted, the Ts are not all crossed and it still needs some work on it. But having put those Amendments in to ensure that the Comité des Constables have their way and who indeed do what is ... replace designated lanes, what wording should be there, that they do define and contribute to a working practical definition of what essential use may entail, then you really cannot have it both ways. If you have amended it and have safety clauses in there, then really having done that work the Constables, I believe, should be then supporting the Proposition as amended because it is their Amendments. Let us open the door to further exploration because if we work this out now it will go away, the issue will go away. What we will be doing is putting off until tomorrow or the day after that or the year after that or a decade after that, action which we agree in principle should be taken.

1.1.23 Senator L.J. Farnham:

I have very much enjoyed listening to the speeches today, there have been some excellent speeches, so I will not repeat any of what has been said, if I can help it. But I am having difficulty in supporting this purely because the principle of essential travel, I think, is just impossible to define now or to any other later date in the context of the Proposition. I think the principle of using roads for essential travel only is just something that we should not approve with the information we have to hand. I appreciate the Comité's Amendments, I think they are very good. I completely support the direction of travel to enhance our green lane network, create some designated roads. But of course the Comité can lead that work, regardless of the outcome of this Proposition. Also, I want to, again, like other Members, pay tribute to the work of the Deputy of Grouville and the great successes we have seen there in developing the cycle networks. I speak as an Islander who uses green lanes regularly for walking and cycling and occasionally driving slowly along. I think one of the most useful short speeches we have had today was from the Deputy of St. John, who did some research and that research spoke for itself. I do applaud Deputy Ward for bringing this into the Assembly. While I support the principle of developing the green lane and designated road network, I do not think I can support it, purely because I cannot buy into the principle of excluding roads or making them for essential travel only; I think it is just unpoliceable, as many Members have said.

1.1.24 Senator I.J. Gorst:

I feel terribly conflicted in speaking during this debate and perhaps I will outline them. I enjoy nothing more than getting into a proper car and driving up to the speed limit. But the previous speaker, sometimes when he sits as passenger - of course he has not done that during the social distancing regulations requirements - suggests that he sometimes thinks I am going over the speed limit but that, of course, cannot be the case. I, of course, enjoy driving down the green lanes, that my Constable has so ably described, in St. Ouen. Yet as I drive down those green lanes I am extremely mindful that often coming in the opposite direction are pedestrians, are cyclists, are horse riders and in the one nearest to home, of course, I have got to be careful not to run over surfers as well. My children thoroughly enjoy cycling; they occasionally get me on to a bike as well and we have seen the great success that Les Landes have had in encouraging children there to cycle to school and some of my family have been part of that great success. I enjoy nothing more than at the weekend going with my daughters to ride ponies up the hill, along not only the green lanes but also the main roads as well. I think that all pedestrians, cyclists, horse riders and car users should not be afraid of using the main roads. I think that we in Jersey can encourage the quiet usage of our roads for pedestrians, for cyclists and for those riding horses, at the same time as recognising those who enjoy using the car. I think that we absolutely can. Have we had much success at doing that in the past? As the Constable of St. Brelade reminded us, the Green Lane process started in St. Peter and he also reminded us that the States, a number of years ago, agreed to do a review of the green lanes and I think he is right in saying that that review did not really take place; that particular request focused on speed limits. But I really do think, as we move towards endeavouring to deliver our carbon-neutral aspirations that we need to encourage alternative uses of transport. Dinosaurs like me are going to want to continue to use our petrol cars, even though dinosaurs like me have taken up as a daily use an electric car. But we are going to want to continue to use them and others have reminded us that some of the older members of our community enjoy nothing more on a Sunday afternoon, for example, than driving down our green lanes and thereby driving down memory lane.

[12:15]

I absolutely believe in the common sense of the Constables and I pay tribute to, as others have done, those voluntary members of the Roads Committee. It is a more difficult job than it sounds, being challenged by parishioners about why a particular road has not been appropriately repaired or is not appropriately policed and all of those things. I congratulate those members of the Roads Committee who do that work on a voluntary basis. Members have spent a long time today focusing on why Deputy Ward's Proposition does not work when he focused simply on green lanes, but the common sense of the Comité and the Amendment that Deputy Ward has accepted says that they will go away, they will, in effect, pick up that work that the Deputy of Grouville has been labouring to deliver for many, many years, certainly over a decade, to increase the number of cycle routes. I believe that if the States accept this common sense Amendment to this Proposition, then it can flow into that work, which other Members are involved in and it can be a kick-start to the Department for Infrastructure. Because others have reminded us the St. Peter's cycle track was controversial and I think some States Members even tried to stop Deputy Noel from delivering the final pieces of it but now everyone thinks it is a success. The future for transport in Jersey and, of course, it does make it a more attractive place for tourists, we only need to look at our friends over the water in France and see the way that they imaginatively use and encourage the use of cycle tracks. You go to the Ile de Ré cycle paths, they are largely off the road but where they do have to go on the road there is appropriate provision and respect for them. Therefore, I think that this Proposition as it now stands can be supported. It is not in contradiction to the Sustainable Transport Policy. It can act as a stimulus to that policy. The common sense of the Constables and no doubt the Parish meetings that will have to give approval to any designated lanes, I think that we can have confidence in them to make sensible decisions. Of course, as the last speaker said, there is the issue of what defines necessary use of a road. But, again, I think if we focus on the reasons not to accept this proposal, then we will not move forward. I

thoroughly expect that that issue will be fed through into the Sustainable Transport Policy itself and will not necessarily make the progress that the underlying rationale of this Proposition looks to deliver and I say would go one step further than the Proposition is asking us to do. I hope that this stimulus will propel forward the work of the Deputy of Grouville and the Connétables, now that they are back in their Parish Halls, will be able to look at those maps that have been provided, will be able to work with her and the other States Members involved, will be able to work for Cycle 4 Jersey and that they will bring forward proposals that the Minister for Infrastructure can bid for to the fiscal stimulus pot to really see the change that I think members of our community across the Island want to see. I am not anti-car and I do not perceive that creating safe cycle, pedestrian and horse riding routes is anti-car. They can work together if we have the goodwill to ensure that they work together. Because I will have to be dragged out of my car, I have to admit that and I do not think that that is what this Proposition wants to do. It wants to find ways of encouraging these other forms of transport safely. Therefore, I think let us not focus on the difficulties, let us focus on the opportunity. Let us say by voting for the Proposition to the Deputy of Grouville all of her work over the decades, all of the work of Cycle 4 Jersey, all of the work of the Constable of St. Helier and all of those who have been trying to deliver these policies has not been in vain. We do support them and we are going to work together to overcome the difficulties to allow us to move forward in the way that we committed to when we committed to bring forward a Sustainable Transport Policy and a carbon neutral policy.

1.1.25 Connétable L. Norman of St. Clement:

One of the negatives, one of the difficulties of meeting virtually like this is that we cannot see the reaction of fellow Members to speeches and comments. I just imagine that Deputy Ward currently must be tearing his hair out and feeling very frustrated because Member after Member has built their speech and used the phrase “green lanes” continuously. If Members will read the Proposition as amended and accepted by Deputy Ward, there is no reference to green lanes whatsoever in the Proposition. All the Proposition does is authorise the Constables with the Minister for Infrastructure to designate roads to give priority to pedestrians, cyclists and horse riders. This can be any road. It could be a green lane, it does not have to be a green lane but it can be any road. In fact, in St. Clement we recently did that and it was not a 15 mile an hour road, it was not a green lane, it was a 30 mile an hour lane, Rue du Maupertuis. We designated this way by physically, with the approval of the Minister for Infrastructure, blocking it off so that only pedestrians, horses and cyclists could use it and a great success it has been, so successful that I am now looking at possibly to do something in other roads, whether or not this Proposition is adopted. The Parish of St. Saviour also did it in Chasse Brunet and I think successful that has been too. It is more than just giving priority to these groups but it is also making routes safer, I think, but particularly for youngsters on routes to schools. Also for those who are no longer at school where they can exercise lightly, walking and jogging and so on, in areas which they know they are going to be safe. But I do wish Members would bear in mind this Proposition has no longer anything to do with green lanes. I do hope some of those, when they think about it, will be able to support it.

1.1.26 Senator J.A.N. Le Fondré:

Yes, I, like many Members, have been listening with very great interest and it always quite interesting when we come in with, effectively, a free vote on this. Just start off at the very beginning and paying tribute, I think the Connétable of St. Brelade said, to the then Constable of St. Peter, Mac Pollard, whose inspiration it was to bring ... and I appreciate we are now no longer talking about green lanes but designated roads. But he brought in the principle of green lanes and, as I always understood it, it was from his love of driving his horse and carriage and things or seeing horses and carriages being driven around the lanes that inspired him to bring it. I think it is a fantastic legacy for that Connétable of St. Peter. I will be listening very intently towards how Deputy Ward sums up, to finally work out which way I will be pressing the button on this. Just to lay down my credentials a little bit but also to explain on both sides, I think, where I can see some of the difficulties but also to see where I think

a lot of the positives lie. Firstly, I think I have said it a few weeks ago that some 20 years ago on 13th June of this year the St. Lawrence Millennium footpath was opened up and that was a fantastic voluntary effort by over 60 volunteers to create around 2½ miles of footpath, from memory, up Waterworks Valley. I hope in conjunction with a number of politicians and the Assembly that we can be marking or announcing something in the next couple of weeks to just mark that a little bit ... I would not say mark that a little bit better, to build on that a little bit better. As I said too at the time, I think I was in the end designated project organiser or project manager for that in a voluntary capacity obviously and I learnt a huge amount around the issues around cyclists, more importantly pedestrians and also obviously the bridle path site as well. It was a fantastic experience and was something I remain justifiably proud of, particularly with all the efforts of all the volunteers and all the friends we made at the time. In fact also the present Minister for the D.f.I. (Department for Infrastructure) reminded me that when I was his Assistant Minister in, I think, 2014 he volunteered me to co-ordinate the moving forward of what became the St. Peter's Valley cycle path. That also gives you an insight from the other side of the practicalities of getting your land assembly together, of then how you maintain it and also, more importantly, how you pay for it. I think one of the questions that comes through on this is in terms of this Proposition, how does it demonstrably add and achieve things and how did it enforce it, which is one of the issues which I know people have been hearing? Also, that particularly deals with this issue around essential travel. Although the Constable of St. Clement is actively supporting the Proposition, he did say whether or not this Proposition went through he would continue to enhance the offer that we have for this type of non-vehicle support, shall we say, in terms of, obviously as we said, bridle paths, equestrians, cyclists and walkers. I also agree with most of the speech of the Deputy of St. Martin, the Constable of St. Ouen and, oddly enough, even though it is slightly contrary to the previous 2, was from Deputy Morel and that is why I go down to the point of, what are we seeking to achieve here? What is our objective? I would absolutely commit to the objective -- one of the objectives should be around sending a message around changing behaviour in how we use vehicles. It is not necessarily part of the Sustainable Transport Policy because, arguably, that is about reducing mass commuter travel into St. Helier in particular but it is part very much of changing behaviour. Certainly, as having been obviously working in Broad Street for much of the last few months, one has seen the absolute impact of very little traffic around St. Helier for a long time and then now obviously we are slowly seeing it coming back. If there are any opportunity to change behaviour it is now and over the next few weeks, if we have months, great. I will also just lay down the further credentials, which is I brought what was then the 37th Amendment to the Island Plan in 2011, which gives an indication as to how many Amendments there were of that particular debate. I will read it, which was under access and awareness; it talked about: "Assisting in the provision of the Island's provision of off-road walking and cycling routes and particularly in order to contribute to the development of a comprehensive network of off-road footpaths, bridle paths and cycle paths across the Island in accordance with proposal 24 Island Path Network." It is a policy that we should be enhancing and applying a holistic approach to how we do these things. I am heartened, again, by the comments of the Connétable of St. Ouen and I believe the work of the Deputy of St. Ouen in seeing how they can tap into St. Peter's cycle paths. I think that should be absolutely applauded and followed up. But what I will do is also lay down a slight challenge to Members because we can have wonderful ideas saying we must do this, we must do that and the Minister for D.f.I. must deliver. But the challenges that that department faces, apart from consistently having a queue of all sorts of work, particularly in this present environment of diminished resources, of whether it is a refuge, a pedestrian crossing, something along those lines, or producing footpaths, *et cetera* under the various technical rules that they have to apply.

[12:30]

But also one has got to achieve, firstly, the land ownership and that is obviously the big frustration that has happened between the Deputy of Grouville and her quest for the eastern cycle path, which we all, I would hope, support. Whereas, for example, in the west of the Island where we have always

had the railway walk and literally it is because the eastern side was sold off to private individuals, whereas the western side was retained, ultimately, in public ownership and that has been the challenge in terms of trying to achieve. I think in St. Peter's Valley, from memory, there was something like 40 landowners that you had to get agreement with and that was by no means necessarily an easy task. Some were very much for it and others just needed some support from there. But the other challenge, ultimately, is with our traffic and, as I said, how we pay for it. The challenges there, the logic has always been that we pay for it by, for example, putting it on to fuel duty because that also starts reinforcing the behaviour about trying to reduce car usage versus, I would always suggest, car ownership - but that is a personal view - or do you put it on to parking charges and things like that? We all know the arguments that come through. I see Deputy Pamplin has just made a contribution in the chat in relation to the Connétable of St. Clement. But I make the point ... I just recall him asking, for example, when Broad Street was closed, which, again, under this would be a designated road potentially. That was the challenges around what to do about the disabled parking spots, which obviously have been moved. What do you do about the bus stop? All these small details are the ones that become the obstructions and the difficulties for the Minister because he has to try and satisfy and balance all the competing requirements. Bluntly, as a challenge, even if this Proposition does not go through and, as I said, I will be listening to the summing up very clearly, I would hope that we all back this principle of seeing a change in behaviour, of challenging ourselves, whether it is in St. Helier or other parts of the Island, that can we do less, what I will call, general car access to certain areas and putting preference to non-vehicle usage, whether it is cyclists, you do have to act with responsibility to pedestrians or to horse riders in the right places? Because if we do not, if we find all individual excuses and not solutions to individual problems there, we will not achieve it and we will end up into all the sorts of same problems that Members have previously identified and everybody will then go back to blaming the Minister for D.f.I., even though it is a responsibility that we all share. What I would like to say, let us do a challenge. Pick a road in town, for example, in St. Helier, would one be prepared to take parking off that road so that the traffic flow does not change but you could introduce room for cyclists to go down it or come up it? Because if you are not, then do not bother voting for this Proposition because Members are not prepared to put, essentially, that effort in place. If one is, then one should support it. But bearing in mind one then has to give that support, not only to be monetary but also public backing for the difficult decisions that then fall on to the Minister for D.f.I. What I would just absolutely endorse are 2 things, one is I agree with the comment, I think it was from Senator Gorst, that the fiscal stimulus pot, if it is approved by the Assembly in the Government Plan or some alternative funding mechanism ... and putting it into the Climate Emergency Fund might be the way to make sure we have the resource to deliver some of the things we are talking about in debating this Proposition but that will be a matter for Members. I am sure it will be raised, even if this Proposition is not approved, at Council of Ministers as we finalise the Government Recovery Plan over the next couple of months or less. What I will say is irrespective of whether this goes through or not ... and, as I said, I will listening with interest to the Deputy's summing up because I do worry in terms of the specifics, particularly in part (a) around essential travel and putting enforcement under law and the impacts of that, coupled with the if considered practical by the Comité and the Minister in part (c), as to what will be achieved by approving the law. But even if it does not go through, I think we will all be seeking for far better provision across the Island - I would hope so - working with all the relevant groups, obviously Comité, obviously the Deputy of Grouville's group, and I am personally absolutely committed on that front. That is the reason why I set out the credentials, if you like, from my aspects, even though still as an accountant, that I have come across in my political life and pre-political life, which just demonstrates the beauty of the Island and what we can do to enhance it. That is about providing that access in a non-vehicle way, in my view, for Islanders to enjoy. But I will listen with interest to the summing up. I have yet to make entirely my mind up. I am concerned about the practicalities that come through on this particular Proposition. But I do ask, irrespective of which way this goes, that one cannot just leave the responsibility then to the Minister for D.f.I. and then just challenge him at

every instance why the particular details or whether the proposal it is that he brings forward are wrong, unless one has an alternative practical solution that achieves the same end. If one wants to reduce the impact of cars in certain areas and to give greater priority to the groups that the Deputy has talked about, there are some pretty tough decisions that one will have to consider. Thank you.

The Deputy Bailiff:

Thank you. If no other Member wishes to speak on the Proposition ... Deputy Wickenden.

1.1.27 Deputy S.M. Wickenden:

I have listened to this debate and it has gone on well and there has been some really good speeches going on in here. But really when you look at this Proposition I have to ask myself, is it necessary? Is it even something that is going to change anything that is not already in place? These designated lanes, are they any different to the green lanes in the laws that we have in place anyway that gives priority and slows traffic down in areas of our green spaces and beauty? I am very concerned on this Proposition that we are being asked to agree something called essential travel, where there is no definition of essential travel. As we start looking at essential travel, it is obviously going to your house, that works, delivering a package, visiting a friend, is it going to work? I would say travelling to work, to your place of employment in the most efficient way you can in your car, is essential. If somebody was just driving round these designated lanes because it was the quickest and most efficient way for them to get to their place of work, is that now essential? We start looking at this essential travel and it is not that simple and we are being asked to agree it now. For me, without that kind of detail being done in the first place, it is very hard to support, approving something we do not know what it is. I am very disappointed, though ... I know Deputy Ward would probably not mind that I am disappointed in him in any way, shape or form. I am disappointed that Deputy Ward found out that this work was already being done and was invited to join the group but, instead of getting involved and bringing the essential travel and trying to work with this group to maybe come up with something to bring to this Assembly that can be agreed or disagreed, he chose to not join the group, to not be part of the solution, just to bring a Proposition to say: "I made that happen." I think that is very disappointing. The work is already happening, so why was this Proposition necessary? The Sustainable Transport Policy will find challenges with this. Last year there was a hackathon to do with the Sustainable Transport Policy and the environment and lots of our techies from over the Island got together and came up with different apps and information and websites that pulled together traffic flows and information in really interesting ways. Some of the things they could almost prove was if we can take 600 cars off Beaumont Hill between 8.00 a.m. and 9.00 a.m., the congestion around near the Goose on the Green would almost disappear. If we stop people from being able to drive off the main roads to go alternative routes, that idea of sustainable transport in reducing traffic flow into town where most people work will be really strange in some manners in the way that this Proposition is setting it out. As far as rat runs goes, I think I agree with Senator Mézec where he says that when you change laws you change behaviours. Rat runs, we know all over the Island that as soon as the Honorary Police or something start to understand the rat runs and go and police it, they move somewhere else. Is this going to fix that problem? No, it will just move to another part and another place. This Proposition also reminds me of whenever we do a 20 mile an hour zone ... so you can tell and it is quite clear that everyone that lives near a road would love that road to be 20 mile an hour but they do not like any other road to be 20 mile an hour because it hinders their ability to get to a designated place in a speed limit. For me, this Proposition is unnecessary, we have the green lanes that set out a 15 mile an hour speed limit which people follow. Okay, maybe a minority of people do but even with designated lanes this is not going to stop the minority. The essential travel is not clear. There would need to be a punishment or a criminalisation; what does that look like? How severe should that be? None of this is really laid out within this Proposition. Deputy Russell Labey made a clear point about prioritisation, one has to prioritise the other; you cannot share prioritisation and I think that was a very good point that was made. This Proposition also in the way

that it will work will create discrimination between different groups in this Island. I am afraid there is the work already happening, so I do not feel the need that this Proposition should go ahead. I am disappointed in Deputy Ward for not even joining the group, knowing that it was happening, not being part of the solution in a broader sense of the term and think that the essential travel and the criminalisation piece of this is just not clear enough to move forward. I think we should stop this Proposition. I think the Deputy should just pull it, rather than lose it. I think that the work that is already happening with the Constables, with the Minister for Infrastructure, with the group that Deputy Carolyn Labey has sorted out, the Deputy of Grouville, let that continue because I know 100 per cent that the Deputy of Grouville has been campaigning for cycling and for this work for a very long time and is absolutely determined to make it happen but she wants to make it happen in the appropriate way working in the right way. This is not the right way to go about something, which is almost trying to steal the thunder of the work of other people. I cannot support this and I ask other Members to throw this out and let the actual work continue and that is me over.

The Deputy Bailiff:

Thank you. I see it is 12.43 p.m. In any event, does any Member wish to speak on the Proposition?

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. Does any Member wish to speak on the adjournment? Can you second it please then? **[Seconded]** Thank you very much. The States stands adjourned until 2.15 p.m.

[12:44]

LUNCHEON ADJOURNMENT

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[14:16]

The Deputy Bailiff:

Does any other Member wish to speak on the Proposition? If not, then I invite Deputy Ward to reply.

1.1.28 Deputy R.J. Ward:

Thank you for the opportunity. It has been a very long debate, a lot longer than I thought it was going to be. It is an exercise in notetaking as much as it is an exercise in bladder control, if I am honest, but I was very pleased for the break. So I we are back and we are all refreshed, I hope. I think I will try and deal with everybody who has spoken and deal with their questions and their issues. If I have missed anything out then, forgive me, there is only so much you can write down in such a long debate.

The first thing I will say is that lots of people did talk about green lanes and this is not about green lanes. That was very clear and I am concerned that people have not looked at the amended version and spoken to the amended version, so I will revisit that. I am afraid I do have to initially address Deputy Wickenden. I was disappointed by his rather disjointed and vitriolic contribution again, and the personal attacks that do nothing for the credibility of this Assembly, certainly to the views from people outside. I would like to reassure him that this is not about taking credit for something, it is about achieving as much as we possibly can in a 4-year term. I would expect perhaps an Assistant Chief Minister to have a more constructive attitude than that. I would ask him to go away and look at his attitude before further debates. But moving on and being more positive, the Constable of St. Lawrence, I went to the Comité des Connétables and I have accepted their Amendments. It is somewhat disappointing for me that obviously that Amendment was not from all of the Connétables, perhaps I should have had another conversation to asked what level of support it has. It is constructive and I hope it can be seen as constructive and all Constables can see that. There are a couple of things that we need to mould together here. There was a point about the argument for enforcement. I will come to that point for a number of Members. But there was also the point about not qualifying officer time in my comments. That is almost impossible. That was shown by the Minister for Infrastructure who said it would be “considerable” time. For me, considerable has never been a SI unit of time, it is not something is quantifiable in any way. I share the Minister’s concern that you cannot have it both ways. There was an interesting question to the Attorney General about essential travel and you could say that it is not a definition of essential travel that is useable. That is partly the point of this Proposition. We have laws and we have applications that are sort of disjointed and disparate and what we need to do is relook at essential travel for the Island as it is today. We have had an exponential growth in car use, we have more people on the Island, we have a move towards sustainable transport that has not been there before. An opportunity that we should not be missing. I think it is very important that, yes, we have to redefine what we mean by essential travel. Part of this Proposition is to go away and look at the legislation and do that. You are in a catch-22 situation as a backbencher and this argument comes again. I think it is rather obstructive to us getting anywhere at times. You must bring the final definition and then we will pick apart that final definition and say to you: “Go away and do some consultation on that definition” or you bring a proposition that says: “We will consult on the definition of essential travel to make it best suited” and you are told you have not done your work to bring the definition of essential travel. A strange argument which you cannot get out of. I think that is where we get to sometimes in this Assembly and we need to break out of that. I did not have Deputy Higgins down as an anarchist but he seems to be worried about the number of laws, I do not know if he is proposing losing them all. I am sure he is not. I would say that legislation consciously changes behaviour. It is a part of a social contract we have as civilised human beings in our society. We obey laws, we go along with them because there is something about us voting for them and empowering them that means that they are more likely to change behaviour, that is why legislation is important. It is not all about just enforcement. I think the argument that if you cannot enforce it should not be there would not hold mustard to the vast majority of laws that we have, then we would be in a very difficult situation. We rely on people’s co-operation. The police cannot police without co-operation. Thankfully we have it the vast majority of time in Jersey, so I think we can deal with that issue in that way. In terms of the maintenance of road, I would say to the Deputy that the roads are damaged not by cyclists but by heavy goods vehicles, heavier cars, larger cars and car use. That is what causes maintenance problems. Therefore, this could be exactly the opposite of what was suggested as a weakness. Deputy Lewis, we talked about road signage. I did say this in my opening speech, I do wonder whether I should just repeat that first because I wonder if it was listened to at times. It is not about putting huge amounts of signage up, although I know the Department for Infrastructure do like a sign. It is about a new network of lanes, you are absolutely correct, and the definition of essential travel, as I have said, is central to create this network, it is not there. This is the opportunity to do that work. Again, there was the argument of not enforceable. I worry that a ministerial attitude in the Government of Jersey,

the Council of Ministers, has Ministers worried that things are not enforceable so what is the point. I do not think that is the right thing for us to be doing. He mentioned large numbers of roads. I made this so clear at the beginning of my speech, 500 miles of road only 50 of those are green lanes and within that will be a small proportion of designated roads. That is not a large proportion and it is certainly not draconian. I think what has been demonstrated unfortunately is that the notion of sustainable transport that we have here is fundamentally flawed and I am afraid the faith in the department of some Members ... I hope they are right. If the Highway Code is working as well as he says, why do we not have a workable network now? What is stopping that happening. I think that is really important. The Constable of St. Mary, if St. Mary is in a very good position and does not need them then do not designate any lanes. You have got an easy job on your hand. You do not have to designate, it is to help set up networks. If your network is already there, fantastic. Perhaps we all need to take a leaf out of St. Mary's book and all be a little bit more St. Mary. That is absolutely fantastic. The Deputy of Grouville, I am really concerned about what was said here regards the work you are doing and how this is oppositional. It really is not. I have spoken to people at Cycle 4 Jersey, this is not the only thing I have to focus on, there are many, many things that we have been doing, we help a lot of constituents, I do a huge amount of case work in the centre of St. Helier. This is not to stop the work that you are doing. It is to give some power to your elbow because I too have a huge frustration about the speed at which things have happened. To be quite frank, and this is what I think was so wrong about the comments from Deputy Wickenden, it is not about ... it is obviously to me that from the support that the Deputy gained from across the Assembly I do not think she needs to worry about a little upstart like me gaining any credit. It is clear that people all know the work that she had done and I recognise that as well. So I really would like to address that in that way and say that is not what it is about. I think sometimes it is very difficult when your motives are questioned, when you feel that you have come from the right place to do anything else so I think that is about trust in me, and if you do not have that I do not know how to instate that. In terms of the timescale issue that was mentioned, I agree that it was not my timescale. This was the Amendment and the Amendment was accepted regards timescale because of COVID-19 and because I was trying to compromise in order to get an agreement. I would love there not to be a delay and for it work as quickly as possible. Again, I did say this at the beginning of my speech. Deputy Ahier, again, it is not green lanes. I will keep saying it. I do not know if you have read the Proposition as is amended and I really do not know what to say about his tractors. I do not think this is about stopping tractors running. It was a rather strange argument, I believe. The Constable of St. Brelade, if there is a ... again, if there is a really good network in place and you do not have to do anything to it, you do not have to designate lanes, they are working, that is fantastic. Perhaps you could use your example for those who do want to designate lanes and help them with how they work. It is not about implementing something that is not necessary. Again, in terms of the policing we go back to that issue of why do we pass legislation. If every time we pass anything we come up with: "Well, that has to be policed 24 hours a day, 24/7" that is not the way legislation works and it is not the way the law works. It is not the way policing works. Deputy Truscott, he was talking about speeding. Again, it is not about green lanes, it is not about speeding it is about a different issue. I am afraid my handwriting has failed me now, I do apologise, Deputy. Senator Mézec was absolutely correct about the green lanes. About the need for further work which has been recognised and in this situation it is recognised because we are in a changing situation and we are trying to create something that is new, that is needed but new for a new situation we find ourselves in. I am worried that what has happened here is that so many Members for some reason or another, and I do not know if it is just ... I do not know why but are looking for obstacles to this rather than looking at ways in which this could happen. I am concerned that is a theme that has run through the Assembly and a theme that is running through any change for the Department for Infrastructure. Deputy Ash, you were your usual shining wit with your jokes marvellously presented but it is not a large number of lanes. It is a small number of roads as designated. If your Parish says: "We do not want to designate, we do not see the benefit, then they will not happen." This is an act of faith for me, I believe these would be useful and I believe they

would happen and so therefore this what we need to look into in the future. Deputy Young, I think you got it. The notion that we are good at finding reasons not to. About the increase vehicles, you are absolutely correct. As Minister for the Environment I know that you are very au fait with the challenges we face with car use or not. Constable Crowcroft, thank you for the reminder re the Roads Committee. Yes, not direct consultation but I know that they talked about it and I know that one Member in particular - who I do not think it is fair to name - has emailed me to say: "Yes, I think it is really supportive" it may have been on social media saying that as well and I know there are other Members who are very keen cyclists. I think there is support from the Roads Committee in St. Helier at least and I hope that answers one of Deputy Ahier's concerns. The Constable of St. John, I understand you are looking for some data there. I would say it is slightly misplaced. It is interesting ... and it is great if the lanes, again, in St. John, are working so well there are no accidents, you may not need to designate but if you want to encourage increased bicycle use, if you want to make sure that people have a genuine option of real safety, I think you need to look into whether more and more people would cycle if they felt safer.

[14:30]

If accidents increased then designate lanes, but without some form of legislation and some sort of ability to do that you cannot do it. This is looking into the future and giving you options. I would hope ... sorry, Deputy of St. John, sorry, Deputy, I hope he would look to perhaps reconsider his opposition. There were some other points about essential travel. Deputy Russell Labey, I do not understand why you would be cross and I think it is perhaps a lack of belief in my motives, which saddens me. We had your usual bluster and it was marvellous. We got a nice little finickity point about horses and cycles and they cannot all have priority. That is not what that means. It means they are given priority and they are in shared lanes over cars. I do not think that is particularly difficult to understand. It is about starting small. Please listen to the opening of the speech, I wonder if you were. Please do not see this as a threat to the other Deputy Labey as I have tried to address. Again, it is not that. I think within this Assembly those sort of perceived personal battles need to be lost. As for what the right channels are, well as Chair of P.P.C. (Privileges and Procedures Committee) I believe he should know that if you are bringing a proposition the right channels are through the Assembly. So this is indeed the right channel. Senator Pallett, I was pleased to have your support and your concerns. I know you are really keen. What you have is a very difficult position to try and promote these cycling routes and get schools cycling and get safer routes to school. Fantastic, I absolutely support that and I would really hope ... I think you have it, you have the notion here, which is that, yes, this is legislation that needs to be developed but it is there and it will help you in the long term get the correct type of cycle lanes, cycle routes, walkways and safer pathways for people, particularly children on their way to school. I cannot remember who mentioned it, I think it was Deputy Ash said, yes, we should put children first but not older people, that could not be more wrong. That could not be more wrong. You are giving the wrong impression of those who are older. The walking groups that happen around the Island which combat loneliness and get exercise and get people out with their knowledge of the lanes can be promoted with this sort of effort. Move More Jersey are doing exactly that. So there is some fantastic work going on with all sections of our community and, indeed, I think the mixing of age groups in our community is absolutely vital if you are going to build a society that is respectful across the ages and understanding. So that is false dichotomy that you set up there. Sorry, Senator Pallett, I was talking about you. I think this is why we ask for development in this Proposition. You are absolutely right, it needs to be developed with the right context in mind. We have a number of different things happening at the moment. To bring them together we need a clear piece of legislation and clear definitions of things such as essential travel and we do not have it yet. We need to work on it. This piece of legislation, this Proposition works towards that happening. Deputy Luce, you said you would hopefully be supporting. It is not green lanes, I do not think it has to be confusing. The consultation is built in and we get back to that position I mentioned before of coming forward with an idea, I consulted, I have spoken to the

Constables, I have spoken to Constables individually, Cycle 4 Jersey I have spoken to. There are many groups and pressure groups, I have had a number of emails ... I have spoken to individuals who have rung me to voice their concerns, elderly constituents as well. Do not think that I have not, it has been there. There seems to be this idea, give us the outcomes and then we will ask to develop the outcomes, you cannot have it both ways. I think this is about developing the principle and then coming up with smart ways to have really successful outcomes that can be put into our cultural change, and I will come to that in a moment. I like the idea of Deputy Luce, it was a very good phrase, I think it was you who said: "Say, yes, and ask for the next question." That is exactly the sort of attitude I like. Deputy Morel, I simply do not agree with your argument that you made about St. Helier residents not having access if some lanes are made designated lanes. If you live in St. Helier you can cycle out and then cycle on those designated lanes or you could drive out, park your car and walk and cycle more safely but getting out into the countryside is not prohibited by having those lanes. Again, I think sometimes we are looking for a reason not to and I would hope he would reconsider and look for a reason to support as I explained the point about legislation and the need to develop a clear essential policy that fits for now, that fits for this Island as we are in the context we have. Thank you to Deputy Gardiner for her support. Constable Buchanan, you have amended this as Constables and I have accepted it. It would be interesting to find out whether there was a majority to do that but I do not think it is worth looking back that way. Senator Gorst, I did not make many notes on Senator Gorst because I was quite stunned with his support and I thank him for it. Perhaps in this debate he is the yang to Deputy Wickenden's yin for me, which is nice. Nice to have a balance in life. I think he was absolutely right about making the effort, about making the change and doing something. Particularly when people have young children and see that access and getting to school in the right way is so important for us. Constable Norman, again I had support from Constable Norman. Thank you very much. Exactly the point. Again, it is power to your elbow, you want to make change. This is allowing you to make that change and if it works enforce that change in the long-term in the most effective way possible. I will finish soon, I have a couple more things to say. The Chief Minister, I have to say, had very mixed content in that speech and this notion of what are you seeking to achieve. I think I have made that clear but it is a good question from the Chief Minister, perhaps one he can consider as well. But he pointed to diminished resources which concerned me, because this notion of diminished resources means there is no real resource to do this so there is no real drive for it and therefore there will be no law and it is not enforceable, therefore there is no action and then we focus on any detail so that we can destroy any ideas and we end up with nothing happening. We end up with no change. We need up with a lot of talk, a lot of ideas but no actual action. I think we have seen across the Assembly, whether Members are certain they want to support or erring on the side of caution, there is a desperate call for action on our structure and the way that travel and sustainable transport, certainly as we have come out of lockdown and been through this process. To sum up, this is not about my ego, as I say I am a junior Member of this Assembly without the prestige of many, which is absolutely fine by me, I just work hard and do my best. This is about cultural change. This about the change that we need to give people the genuine option of changing the way they travel and the way they enjoy the Island safely and with the backing of government. Legislation drives that, it drives behavioural change, it drives cultural change. Essential travel can be defined effectively, clearly and intelligently, which is what we need. I will remind the Chief Minister that his Government did not bring the policy of climate change, it was a Proposition of a backbencher; his Government did not bring the sustainable transport idea, it came from a Proposition from backbenchers. It is about time that that Government, his Government stood up and took on the challenge and supported something that may make a difference in the long-term and give people the ability to make the changes that we so desperately need. I end there and I call for the *appel*.

The Deputy Bailiff:

Thank you. The *appel* is called for. In a moment the Greffier will put a vote in the chat, which she has done, and the vote is now open and I invite Members to cast their votes. Members are voting on the Proposition as amended. Have all Members had the opportunity of casting their votes? The Connétable of St. Saviour has voted *contre* somewhere, perhaps in the link, but that should be a *pour*.

The Connétable of St. Saviour:

I am sorry, Sir, I did not know if it was for the Amendment.

The Deputy Bailiff:

There is only one vote, you are voting on the Proposition as amended.

The Connétable of St. Saviour:

As amended. That is fine, Sir, so I have written now in the chat that I am *pour*. Sorry to confuse you, my love, sorry.

The Deputy Bailiff:

That is all right. If all Members have had the opportunity of casting their votes then I will now close the voting.

POUR: 25		CONTRE: 20		ABSTAIN: 0
Senator I.J. Gorst		Senator L.J. Farnham		
Senator T.A. Vallois		Senator J.A.N. Le Fondré		
Senator K.L. Moore		Connétable of St. Brelade		
Senator S.W. Pallett		Connétable of Trinity		
Senator S.Y. Mézec		Deputy J.A. Martin (H)		
Connétable of St. Helier		Deputy K.C. Lewis (S)		
Connétable of St. Lawrence		Deputy M.R. Higgins (H)		
Connétable of St. Saviour		Deputy J.M. Maçon (S)		
Connétable of Grouville		Deputy S.J. Pinel (C)		
Connétable of St. Peter		Deputy S.M. Wickenden (H)		
Connétable of St. Ouen		Deputy of St. Mary		
Connétable of St. Martin		Deputy G.J. Truscott (B)		
Deputy G.P. Southern (H)		Deputy L.B.E. Ash (C)		
Deputy of Grouville		Deputy K.F. Morel (L)		
Deputy M. Tadier (B)		Deputy G.C.U. Guida (L)		
Deputy of St. Martin		Deputy of St. Peter		
Deputy of St. Ouen		Deputy of Trinity		
Deputy L.M.C. Doublet (S)		Deputy of St. John		
Deputy R. Labey (H)		Deputy M.R. Le Hegarat (H)		
Deputy J.H. Young (B)		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)				

Deputy R.J. Ward:

May I just say thank you to everybody who engaged in the debate and for their ideas. I really hope we can move this forward. Thank you very much.

2. Extended Limits of Co-Payments for G.P. Consultations: Young People and Pregnant Women (P.80/202) - as amended

The Deputy Bailiff:

The next item is Extended Limits of Co-Payments for G.P. (general practitioner) Consultations: Young People and Pregnant Women, P.80, lodged by Deputy Alves. Deputy Alves, you have lodged an Amendment to your Proposition, do you wish your Proposition to be read as amended?

Deputy C.A. Alves of St. Helier:

Yes, please, Sir.

The Deputy Bailiff:

Thank you. I invite the Greffier to read the Proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Health and Social Services, in consultation with the Minister for Social Security and the Council of Ministers, as appropriate, to take such steps as are necessary, for implementation between the cessation of the current agreement between the Department of Health and Community Services and the Island's G.P.s and the commencement of a scheme on 1st January 2021 in accordance with the States Assembly's adoption of "Affordable access to Primary Care Scheme" (P.125/2019) on 4th February 2020, to – (a) allow young people to receive free G.P. consultations from 0 years to 17 years of age; (b) reduce the cost of a "pregnancy package" for pregnant women from £120 to zero; and (c) identify the appropriate source for the funding of this improvement.

2.1 Deputy C.A. Alves:

Good health should not be determined by income. Over the last 4 months we have all faced challenges that no one could have ever imagined. The COVID-19 pandemic has forced us to change the way we live and how we interact with each other socially. It has kept us apart but it has also brought us together as a community and reminded us that we need to support each other. It has made many of us question and realise our reliance on the work, support and help of others. So why am I bringing forward this Proposition now? As part of the Government's COVID-19 strategy G.P.s were temporarily contracted with the Government to offer fair access to G.P. services in a scheme which capped consultation fees for all, allowing everyone to access the health care they needed at a much more reasonable cost.

[14:45]

However, this scheme will need at the beginning of August when all G.P. fees will be reinstated back to prior COVID rates and therefore, again, restricting those who struggle to afford the costs. We clearly recognise the impact this crisis has had and may continue to have on individuals and families in our Island. Many people have lost their jobs. The employment rate is double what it was this time last year. Others have had their working hours significantly reduced and many more are worrying what further impacts will come to their financial position when the light goes out on the various schemes, such as the G.P. consultation fees reduction, that were put in place to support them. Although the temporary new schemes to support everyone, such as C.R.E.S.S. (COVID Related Emergency Support Scheme), are welcomed, the financial support for some is still very low. As a result it will leave many individuals without the necessary means to access a doctor, often resulting in further and more complex health issues down the line. Children are among our most vulnerable in society as they depend on the choices and means of others, their guardians. I want to reiterate the Children's Commissioner's point where she says, and I quote: "Any fees to access healthcare services present barriers to children and young people from accessing their rights. I have witnessed first-hand the struggles many guardians have when deciding whether they can afford to take their child to the

G.P. when they are unwell. Many will often wait it out hoping that their child will get better. Some will go to the doctor straight away but have borrowed money or had to budget and ration carefully. I have seen children end up with longer-term health problems and visits to specialists which could have been completely avoided. I have seen teenagers been reluctant to visit their G.P. with their parents or feel they cannot speak openly to the doctor because their parents are present and because they have to be in order to pay the bill. These barriers should not be in place for young people. A child should be able to see their G.P. when they need to without any financial concern.” Mental health is something we often talk about in this Assembly and our Health and Social Security Scrutiny report highlighted key issues with mental health services 2 years ago. Although many improvements have been made off the back of that report, it is inevitable that the current crisis has already presented new challenges and pressures for our Mental Health services, and even more so when it comes to our young people, and it will continue. 4insight recently conducted a 4-week online community focus group with young Islanders across a mix of social demographics to explore the impact of coronavirus on their health. They found that many students were experiencing significant anxiety and stress. In this online consultation participants were able to write down their worries in a private diary area. I am going to read a couple of these quotes from people who lost their jobs due to the pandemic. One stated: “Today we received money from Social but basically everything went on rent. We are left with £15 until next week but I am trying not to worry.” Another said: “I am quite anxious and moody all the time, it is hard for me because I worry about my family and then we have the money. We are still £350 due on April’s rent and May is on its way. We receive help from Social, which we are grateful for, but even budgeting everything we cannot pay our rent and electricity and loans because the money is not enough.” The mental health of our youth is at risk of a continual decline if we do not support them now. By going back to charging full prices for G.P. visits, this will be a major disincentive for those needing help from seeking it. Some may be supported in schools or via our youth service who already have significant demands placed them. However, there are many who would prefer the privacy, flexibility and consistency of access that comes from visiting their G.P. I want to quote a Tweet I saw yesterday from our Children’s Commissioner where she said, and I quote: “Children have told me that their mental health worsened because they did not go to the G.P. because their mum could not afford it and they hid symptoms so not to worry them.” There is a great deal of discussion around early intervention and prevention and by encouraging good health by enhancing certain behaviours while people are young, as there is an increasing likelihood that these positive behaviours will continue into adulthood. The best time to influence someone’s behaviour is while they are young. Before I address the comments opposing this Proposition from the Minister for Health and Social Services, I would like to thank the Minister for Children and Housing for his comments in support of this Proposition. His comments highlight Jersey’s commitment to the U.N.C.R.C. (United Nations Convention of the Rights of the Child) and has particularly emphasised Article 24 which recognises, and I quote: “The right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.” I would also like to remind the Assembly that in addition to signing up to the U.N.C.R.C. we also signed up to commitment within the C.S.P. (Common Strategic Policy). Not only did we commit to putting children first by protecting and supporting them, by improving their educational incomes and by involving and engaging children in decisions that affect their everyday lives but we also committed to improving Islanders’ well-being and mental and physical health by supporting Islanders to live healthier, active, longer lives, improving the quality of and access to mental health services and by putting patients, families and carers at the heart of Jersey’s health and care system. These are 2 out of 5 of our strategic priorities to be delivered on. The focus was made very clear when it was described by the Government who would move these forward by addressing the underlying causes that contribute to the known gaps in health, well-being and learning and development through childhood and adolescence, using the latest policy evidence to bring forward approaches that address the barriers that hold some children back throughout their childhood, for example, living in overcrowded to poor quality housing, living in families with low incomes and limited access to

primary care services, such as G.P.s and dentists. I would suggest that an opportunity to have come out of this crisis is a significant scope of evidence to support the work of the Minister for Health and Social Services but we should not leave a gap and default on our objectives to deliver our strategic aims in the meantime. The Minister for Health and Social Services states in his comments that this Proposition is asking for something that would be impractical, however, I am aware that there is at least one surgery on the Island which does not currently charge under 18s and there is another which does not currently charge for pregnancy related appointments. These surgeries have done this off their own backs and have had to subsidise these appointments from different areas. If the Minister is already in talks with the G.P.s for the scheme that will be implemented in January of next year, this data could be easily made available and a scheme could be delivered in the meantime. The Minister for Health and Social Services also states that the measures proposed would distract all involved from the important work that needs to be concluded to meet the timetable set out in P.125/2019 and that there is a real fear that the P.125/2019 work would be superseded by the current proposals. This Proposition does not stop what is being asked of P.125/2019 from being done. It provides support for one area of our society that needs it right now. It does not distract or stop any other work from happening over the coming months until the proposed implementation of P.125 in January of next year. I also recognise that the Health Insurance Fund is not sustainable in the medium to longer term and that government finances are already under severe pressure, but this Proposition is a short-term solution in response to an emergency situation which will save money in the long run. Just because the immediate emergency may have subsided, the effects have not. We are running the risk of allowing these effects to have a significantly longer and worse impact on the health of our young people. Between now and January is almost 6 months, do we really want our young people to fall through the cracks until then? During a time that has been difficult for adults, but more so for our young people who have been restricted and restrained from taking part in activities that are a normal part of growing up. This is an opportunity for the Assembly and the Government to make a positive difference to the lives of children and young people and really show that we are putting children first. I make the Proposition and I look forward to hearing from Members. Thank you.

The Deputy Bailiff:

Thank you. Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition? If no Member wishes to speak on the Proposition ... Senator Mézec.

2.1.1 Senator S.Y. Mézec:

It looks like myself and the Minister for Health and Social Services were doing the same thing. I was hoping that he would go first to outline his reasons for opposing this Proposition and then I would attempt to counter his arguments. Instead I will have to pre-empt those arguments that I believe are coming up. I say from the outset that I am somebody who, naively perhaps, out of idealism believes that the measure of a civilised society is how we care for the most vulnerable in that society. That does not just mean people who are vulnerable because of their age, be they younger or older, but also those on the lower incomes and those with other vulnerabilities as well. I have always believed that healthcare ought to be free at the point of need provided by a government in whatever way is most effective and not only is that morally the right thing to do, it is good for the whole of society to ensure that we have the healthiest population possible. The healthier they are the better they will be able to learn at school and the adults will be more productive in their working lives as well. So that is why I have always pushed for and supported measures to make access to primary healthcare in Jersey more accessible and it is why I was very pleased that at the start of the COVID crisis the Minister for Health and Social Services was able to reach an agreement with the Jersey's G.P.s to enable reduced fees across the board for people accessing consultations with their doctors and in particular making them free for young children. I think that says something, does it not? That was necessary. If the current fee structure is okay, why would we change it during a health crisis. Surely it would be considered acceptable for people to continue paying for it otherwise. But, of

course, we did not because we know that the health of each individual has an impact on the health of the community as a whole and that the cost of seeing a G.P. is a barrier for people seeking primary healthcare at the worst possible time in what might be a health issue they are facing. The earlier that people are able to seek medical help the better their chances are of being able to get treatment and to recover from those health issues before they become more serious and have a deeper impact on them and become more expensive to treat in the long run too. I would hope that that would be accepted. I struggle to imagine what an argument against those principles would be, apart from perhaps a particularly libertarian view about personal responsibility, which I think is the real naïve perspective in these sorts of issues. Now we face a situation where we have a better system for delivering primary healthcare support for children today than what we had at the start of the year.

[15:00]

Come August we are going to let it deteriorate. We are going to let it get worse by reverting to the previous system and seeing from one day to the next a charge increased for those children needing to access primary healthcare. We are reimposing a barrier that for the last few months we have made efforts, rightly, to reduce because we knew of the positive impacts that that would have on people during a health crisis. We are about to take a step backwards and it appears to me that the argument from the Minister for Health and Social Services is: “Well, it is okay because come January next year we are going to take 2 steps forward.” That, I think, is to take such a strictly pragmatic view on what had already been the plan anyway to ignore the fact that we are capable of changing plans if we choose to because we are democracy and we are a Government and an Assembly and we can choose to alter our plans and alter our priorities as the facts change. The plan to provide cheaper access to primary healthcare from January next year was a commitment that preceded the COVID crisis and events have overtaken us since then to leave us in a position where we very quickly had to provide cheaper access to G.P.s and reduce those barriers in a short space of time without reference to the wider Assembly, done very quickly because it was necessary to do so. Those events, having overtaken that plan to introduce something better from January next year I think means that that target for January, certainly in the case of children and pregnant women, ought to be revaluated so we are not facing a situation where for a period of time children and pregnant women will have to make inferior health choices to the ones that they are currently able to make today. We can change that by adopting this Proposition. Deputy Alves in her report, and in her speech proposing this Proposition, made reference to the United Nations Convention of the Rights of the Child and she made reference to comments that have been made by the Children’s Commissioner on this subject. I anticipate that the argument that we will get back from those opposing this Proposition is that the U.N.C.R.C. does not say in black and white that access for children for primary healthcare ought to be free at the point of need. They are right that it does not say that. That is true. I do not know if Members will be able to do this in short notice but if they are able to get up the United Nations Convention on the Rights of the Child and in particular Article 24, I think that can help inform the rest of this debate and what I am going to elaborate now upon it. Article 24 starts by saying in part 1 that: “States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities of the treatment of illnesses and rehabilitation of health. States Parties shall strive to ensure that no children is deprived of his or her right of access to such health care services.” It does not say in there that they should be free, that is correct. For me, I think that 2 key parts of that first part of Article 24, are in the first sentence when it talks about the highest attainable standard of health and, in the second part, that says we shall strive to ensure. Those, I think, are the 2 parts that we need to understand what that means and what implications it has for our compliance with the U.N.C.R.C. to understand why this Proposition is right. The highest attainable standard of health in any particular jurisdiction that has signed up to the U.N.C.R.C. will be different. It will be dependent on the resources that a particular jurisdiction has at their disposal. If a particularly poor country or a country that has suffered a big environmental disaster or something like that is unable to achieve the same standard of access to health as a very, very wealthy country, that is completely understandable and it

is not to say to those poorer countries that if you do not provide an equal standard of access to healthcare that the rich countries do then you are automatically in breach of the U.N.C.R.C. That is not the case. That standard will be different in different jurisdictions but you shall strive to ensure that no child is deprived of his or her right to access to healthcare services. You shall strive. You shall make the effort. You shall try, you shall take measures to move forward. That is what the compliance issue is about. We are obligated under the U.N.C.R.C. to meet the aspirations or to strive to meet the aspirations that are set out in the entirety of the U.N.C.R.C., but for the purpose of this debate Article 24. That is not about this moment in time if you do not meet all of these aspirations you are in breach of the U.N.C.R.C. or if you do not follow the exact letter, and in this case the letter of the Article not specifying free, then you are in breach. That is not the case. It is about the direction of travel and since 2014 when we became signatories to the U.N.C.R.C., or we had it ratified on our behalf, we have been moving forward. That is commendable. The pace at which we have moved forward picked up very considerably 3 years ago when the Care Inquiry report came out and I hope is proceeding still under this Government Plan and the investments we agreed to make. But in August we are about to get worse. We are about to take a step back to move us further away from the aspirations set out in Article 24 than where we are today. We will not be striving, we will not be delivering the highest attainable standard of health, we will be delivering a standard of health that is lower than what we are capable of attaining. In my view, it is that direction of travel that we will face in the next few months that risks our compliance with this Article because it is about the effort. Frankly, by opposing this Proposition, we will not be putting in that effort that we are obligated to under the entirety of the U.N.C.R.C. In the original Proposition from Deputy Alves before the Amendment was lodged, she included as an appendix to it a letter that has been sent to the Minister for Health and Social Services from the Deputy Executive Director of U.N.I.C.E.F. (United Nations International Children's Emergency Fund) U.K. (United Kingdom) which Jersey comes under, which I think is pretty unequivocal on this and it refers to the wider obligations that there are in the U.N.C.R.C. about trying to achieve things to the maximum extent of our available resources. It refers very specifically to making those efforts to break down the barriers that there are for children having their rights fulfilled. So that communication from U.N.I.C.E.F. is unequivocal. The Children's Commissioner has also provided advice to the Government on this. Bearing in mind, this is the very purpose of the office of Children's Commissioner, which we, as an Assembly, voted almost unanimously to establish. She is the first human rights institution office existing in Jersey for the purpose of giving us advice on our compliance with the U.N.C.R.C. and that advice that she is giving is clear and she is saying that it is for us to improve access to primary healthcare for children and for pregnant women as well. I should point out that Article 24, if you read the wording of it, does cover pregnant women as well in it as those unborn children, of course, will still have rights to a healthy start to their life. She refers to the Committee on the Rights of the Child, which is the United Nations Committee that the U.N.C.R.C. falls under, which occasionally publishes general comments on the U.N.C.R.C. to provide further guidance and support for States Parties to it. So they know how they can go about meeting their obligations under it. In their general comment number 15, paragraph 29, they have said: "Barriers to children's access to health services, including financial, institutional and cultural barriers, should be identified and eliminated." Well, we have identified one very, very clearly here and the Children's Commissioner herself has done further work to identify the impacts that the barrier, which is the cost of G.P. consultations, has on children. Deputy Alves referenced some of that in her opening speech about conversations and evidence that the Commissioner has obtained from young people making choices about access to healthcare that no child or young person should have to make. Children should not be in a situation where they know something is wrong, they know that there is an issue, they know that they need help but they are not able to get that help because of something that ultimately is not their fault. How much money their parents have is never the fault of the child. It is not even the parents' duty under the U.N.C.R.C. to be the ones who provide that access to healthcare for children. Children are the recipients of those rights and it is the Government, the States, that is the duty bearer. It is our obligation to provide those rights. So we have identified this

issue. That evidence is clear and we an opportunity to eliminate that barrier as the general comment from the Committee of the Rights of the Child says that we must do. I really strongly urge Members to support this Proposition and maintain that commitment on children's rights that I happen to think we have done a really good job on so far. I think that with the previous Assembly adopting the Proposition from Deputy Doublet to incorporate the U.N.C.R.C. into Jersey law in the near future was a really positive step for the Island. Most States Members have signed up to the Putting Children First pledge and have gone about, in their own unique ways, the measures that they think they need to do to live up to that pledge. We supported a Government Plan which has paved the way for lots of much needed investment in services that children will benefit from. Last year the Assembly adopted a Proposition from Deputy Southern to pave the way next year for breaking down that barrier and providing better and more accessible access to G.P. consultations. But something changed in the meantime, it was the COVID crisis, things got better in terms of this narrow aspect of what we have done under Article 24 in making sure that those rights are met. Come August we are about to take a step backwards and we do not need to.

[15:15]

We can adopt the Proposition from Deputy Alves, we can take a step forward instead and not leave those children with their rights unfulfilled and let down in those 6 months. It is unnecessary and it goes against what I think the principles are underpinning the work that many of us have been so passionate about over the last few years. This is the direction of travel anyway. As long as we are a States party to the United Nations Convention on the Rights of the Child, we will be pressured on this, quite rightly. It is in January next year that the U.N. (United Nations) Committee on the Rights of the Child is going to be revisiting Jersey to check on our implementation of the Convention in Jersey and what progress we have made since they last inspected that progress. What a great approbation we would be likely to get if we said that we were able to deal with one of those big issues where we have been falling behind and not providing the highest attainable standard of health to young people. As one of the wealthiest parties to the Convention we have fewer excuses, so let us not make those excuses and let us back the Proposition and I commend Deputy Alves for bringing it to the Assembly.

Deputy R.J. Renouf of St. Ouen: [Minister for Health and Social Services]

Most speakers thus far have referred to the United Nations Convention on the Rights of the Child, Senator Mézec at great length, and before I get into my speech in any depth I would be grateful if I might be permitted to ask the Attorney General to advise the Assembly precisely on what the Island's obligations may be under that Convention and in particular the statement that is in the report to the Proposition, the statement made by the Children's Commissioner, that the right to health includes the right to access services free of charge and the comments by Senator Mézec in his speech that by opposing Deputy Alves' Proposition we would not be striving in fulfilment of our obligations under the Convention. I would be grateful if I might ask the Attorney General to advise us on those matters.

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

In terms of the overall summary of my observations and I would preface it by saying that I in very large part agree with what Senator Mézec said about Article 24 of the U.N.C.R.C., I will expand on some parts of it and in addition make reference to a general comment on Article 24 that was issued by the U.N. Committee on the Rights of the Child, which is a very detailed document that sets out a commentary on Article 24. I think that will be of most help to Members. I will start also by reminding Members of the overall legal position, which is that the U.K. has ratified the U.N.C.R.C. on behalf of Jersey, so it is binding on us in international law, but we have not incorporated it into our domestic law as yet and that is a matter to be considered by the Assembly, and I understand Ministers will be bringing a Proposition to the Assembly I think either later this year or the early part of next year. It applies to us in international law, so we are subject to a reporting requirement. We

can be reported on by the relevant U.N. committee but it does not create any binding domestic remedies in domestic law as yet. In terms of Article 24, both Deputy Alves and Senator Mézec cited parts of it. For the fullest benefit of Members I will read out slightly more of Article 24. I think it will give us a slightly better picture of the overall rights that it confers, so Article 24 provides: “States Parties recognise the right of the child to the enjoyment of the highest attainable standard ...” and I will come back to what that means in terms of the relevant Children’s Committee commentary on what that means “... enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive ...” and I agree with Senator Mézec that is an important word “... to ensure that no child is deprived of his or her right of access to such healthcare services.” Article 24.2 provides that: “States Parties shall pursue ...” and I think that is an important word “... full implementation of this right and, in particular, shall take appropriate measures ...” and then there are a series of subparagraphs and the relevant ones in this context are subparagraph (b): “To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary healthcare.” Then subparagraph (d) which is: “To ensure appropriate pre-natal and post-natal healthcare for mothers.” Those provisions in Article 24 should be read with some of the more general requirements set out earlier in the U.N.C.R.C. so that includes Article 2, which is a non-discrimination provision, and I will read it out: “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” Then there is another general obligation, which is in Article 24, which I think is also relevant in this context, so: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.” Those are the relevant provisions in the U.N.C.R.C. In terms of what they mean there is some very detailed commentary that has been issued, as I said earlier, by the Committee on the Rights of the Child of the United Nations. In terms of that commentary, it is a very detailed document that runs to 13 pages of small type, they do offer some valuable insights on what those rights mean, and I will refer to some of those as follows, but as a general point, as Senator Mézec identified, they do not provide in terms that there is an automatic right to free primary health care for children. It is a more nuanced position than that, but nevertheless as Senator Mézec identified there are obligations on States Parties to take active steps to strive to implement the highest attainable standards of health. On that point, in terms of what is meant by the “highest attainable standard of health” the commentary from the U.N. Committee provides as follows. It says: “The notion of the ‘highest attainable standard of health’ takes into account both the child’s biological, social, cultural and economic pre-conditions and the State’s available resources, supplemented by resources made available by other sources, including N.G.O.s (non-governmental organisations), the international community and the private sector.” Perhaps those other sources, in Jersey’s case, are less of a consideration. Then it provides: “Children’s right to health contains a set of freedoms and entitlements. The freedoms, which are of increasing importance in accordance with growing capacity and maturity, include the right to control one’s health and body, including sexual and reproductive freedom to make responsible choices. The entitlements include access to a range of facilities, goods, services and conditions that provide equality of opportunity for every child to enjoy the highest attainable standard of health.” So that is their commentary on what is meant by the highest attainable standard of health. To go on, I will not quote at too much length from this document, but there are one or 2 other provisions of the commentary that I think are pertinent, so in terms of the specific right in Article 24, paragraph 2(b), which I read out earlier, so that is to ensure the provision of necessary medical assistance and health care to all children with the emphasis on the development of primary health care, the commentary says this: “While the exact configuration and content of services will vary from country to country,

in all cases effective health systems will be required, including: a robust financing mechanism ...” that is important “... a well-trained and adequately paid workforce; reliable information on which to base decisions and policies; well-maintained facilities and logistic systems to deliver quality medicines and technologies; and strong leadership and governance.” It states there or refers to a robust financing mechanism, so it does not say in terms that it is free health care, but I think those words denote a wider variety of financing mechanisms, whether it be insurance or some other means of delivering health care. Moving on, later in the document it comments on legislative measures and it says this: “Particular attention must be given to identifying and prioritising marginalised and disadvantaged groups of children, as well as children who are at risk of any form of violence and discrimination. All activities should be fully costed, financed and made visible within the national budget.” Further on there is a section that is under the heading “Investing in Children’s Health” and it says this: “In their decisions about budget allocation and spending, States should strive to ensure availability, accessibility, acceptability and quality of essential children’s health services for all, without discrimination. States should continually assess the impact of macroeconomic policy decisions on children’s right to health, particularly children in vulnerable situations, prevent any decisions that may compromise children’s rights, and apply the ‘best interests’ principle when making such decisions.”

[15:30]

Then the Committee makes 4 recommendations on States Parties, so firstly: “Legislate for a specific proportion of public expenditure to be allocated to children’s health and create an accompanying mechanism that allows for systematic independent evaluation of this expenditure.” The second recommendation is: “Meet World Health Organization-recommended minimum health expenditure per capita and prioritise children’s health in budgetary allocations.” The third is: “Make investment in children visible in the State budget through detailed compilation of resources allocated to them and expended.” Finally, the fourth recommendation is: “Implement rights-based budget monitoring and analysis, as well as child impact assessments on how investments, particularly in the health sector, may serve the best interests of the child.” Finally, while I am on this document, it also provides towards the end a comment on discrimination and accessibility and in relation to economic accessibility and affordability it provides: “Lack of ability to pay for services, supplies or medicines should not result in the denial of access. The Committee calls on States to abolish user fees and implement health-financing systems that do not discriminate against women and children on the basis of their inability to pay. Risk-pooling mechanisms such as tax and insurance should be implemented on the basis of equitable, means-based contributions.” In the document I think that is where it comes closest to calling on States to abolish user fees, but it does say that risk-pooling mechanisms such as tax and insurance should be implemented on the basis of equitable means-based contributions. Therefore on my reading it is open to States to implement other forms of accessibility to healthcare that may be based on insurance. On a brief review of States that have ratified the Convention there are many States who do not have free healthcare systems, unlike the United Kingdom and the National Health Service. For example, there are States such as Denmark, Ireland and Spain that are all wealthy, developed countries, who do not have free access to primary healthcare for children, but they may have other arrangements that help to ensure accessibility. I had a brief look at a report that was done in relation to Ireland and that report noted that Ireland did not have access to free healthcare but it did note that steps were being taken in Ireland to work on a policy to help achieve accessibility. In summary, sorry for speaking at such length, but I think the summary position is that there is not a fixed right to free primary healthcare services for children. I think that point is expressly acknowledged in the letter from the U.N.I.C.E.F. Deputy Executive Director that is appended to Deputy Alves’ letter. There is not a direct right in the U.N.C.R.C. but what there is are clear expectations and legal obligations on States to take active steps to promote access to healthcare for children and in particular primary healthcare. There are duties on States Parties such as this Assembly, such as Ministers, to help to achieve those objectives that are set out in Article 24. For

example, when the Minister is working on his policy for primary healthcare in Jersey I think it would be very important for the Minister to show that he is taking active steps to achieve access to healthcare for all Jersey children, including those from the more marginal and vulnerable sections of society. That was something, for example, which featured in the report for Ireland and it was acknowledged that the Irish authorities were taking those sorts of steps to achieve a policy. Ireland was not shot down for not having free primary access to healthcare for children, but nevertheless there are some clear and very important obligations on States who have ratified the U.N.C.R.C. I am sorry to take up so much time, but I hope that is of assistance to Members.

The Deputy Bailiff:

Thank you, Attorney. Senator Mézec has a question for you as well, which it may be convenient for you to respond to now, before the Deputy continues his speech.

Senator S.Y. Mézec:

It may end up being 2 questions. Let me make sure I phrase this properly. In our system of providing primary healthcare services to children, which is a clear obligation in one form or another under the U.N.C.R.C., our system and the determination on what basis children access primary healthcare services is based not on their status as a rights holder, but on the status of their caregiver. Can the Attorney General explain or advise how a system where the focus is on the status of the caregiver rather than the rights holder can be considered compliant with what is in the U.N.C.R.C.? A second question, the Committee on the Rights of the Child says in their guidance that we should seek to identify and eliminate barriers to access to primary care and it specifically says financial barriers. Is he able to advise whether in October going from free or cheap consultations for children to more expensive would be considered to be eliminating those financial barriers?

The Attorney General:

Yes, so in terms of the first question, children are rights holders and States are expected to act in accordance with the best interests of children, and that is all children. In terms of this question of accessibility, I do not think it is irrelevant as to the financial status of the parents, because that does go to the accessibility of the healthcare system to the particular child. It is not an irrelevant consideration for States to consider the economic means of the parents or guardians of the particular child, but the overall point is to assess what in practice is the effect of this policy. Does that mean that significant sections of society or children are not able to have practical and direct access to healthcare? What is the effect of that? Is that resulting in an exclusion of children from healthcare? That requires evidence and I think there will be a need to investigate. It is a matter for the Minister, obviously, but there will be a need to investigate really what are the practical effects of this policy? Do they really result in exclusion of children from access to health care? Deputy Alves has read out some examples of emails and texts that suggest that that is the case, but overall there will be a need to do, in my view, some more research on that. If it resulting in that effect then the obligation is on the States Parties to do something about it and improve accessibility. In terms of the second question, I think the Senator will have to remind me what the second question is. I apologise.

Senator S.Y. Mézec:

That is OK. I am happy to do so. The second question was regarding the Committee on the Rights of the Child's guidance. Is that okay?

The Attorney General:

Yes, of course, I remember now. In terms of that, the relevant context is that the Minister's decision, as I understand it, was taken in the context of a number of factors. Certainly one of those was the COVID situation and I think it will be a relevant fact that that decision was taken in the context of COVID. While I can certainly appreciate the thrust of your comment and point that this does seem to be retrograde, nevertheless the Minister will have a counterpoint to that, which is that this was a

temporary decision and the factor that caused it was COVID, but what he is doing is devising a policy in relation to access to primary healthcare and that will include the access for children. The onus will be on him devising that policy to make sure that what he does in that policy is to ensure that there is a step forward in terms of striving to ensure that children do have access to primary health care in accordance with Article 24.2(b) of the U.N.C.R.C. That language is important “... strive to ensure that no child is deprived of his or her right of access ...” and “... shall pursue full implementation of this right ...” and “... shall take appropriate measures.” The onus will be on him to establish that he is indeed doing that.

The Deputy Bailiff:

Thank you, Attorney General. Before you leave us, Deputy Pamplin has a question for you as well.

Deputy K.G. Pamplin of St. Saviour:

Yes, 2 seconds, Sir. I have had a few technical issues but I believe the Attorney General mentioned Ireland in part of his speech to Members and I missed part of it. I am seeking clarification that in Ireland children under the age of 6 are entitled to free G.P. visits, in fact children aged between 2 to 5 also get free assessments for asthma and the Government are also bringing forth, and have done already, a phased expansion of G.P. care to access free health care for children of a primary school age. I missed part of his speech but I heard him refer to Ireland, so that was the clarification I was searching for.

The Attorney General:

I am grateful to the Deputy for that. It is not just children under 6, it also encompasses children up to the age of 18, so the point is that Ireland does not have free access to primary healthcare for all children.

The Deputy Bailiff:

Thank you. The Deputy of St. Ouen, do you want to resume your speech?

2.1.2 The Deputy of St. Ouen:

I am very grateful to the Attorney General for the comprehensive advice he has provided to us and to me it just emphasises the responsibilities that I will do my very best to discharge together with all other Ministers and indeed all States Members who hold responsibility as we have signed the Island up to the Charter, which I am very pleased that we have done so. I feel sure that Members will recall the commitment that reads: “Improve access for vulnerable people including children and an ageing population to all primary care services, including dentistry, and make it easier and more affordable to use.” That commitment is in the Government’s Common Strategic Policy, because it is an important plank of the Council of Ministers’ programme. Building on that commitment in the Government Plan for 2020 we said we would deliver new models of primary care including the development of a model to support access to primary care for financially vulnerable individuals.

[15:45]

The Government Plan was of course supported unanimously but not before a challenge was brought by Deputy Southern in the Government Plan debate last year. Deputy Southern brought an Amendment seeking additional government money to pay to G.P.s, thereby reducing the cost of G.P. consultations for certain groups. In his accompanying report the Deputy suggested that patients would still make a co-payment towards fees and the sum of £10 was suggested. The Assembly preferred the Government Plan commitment to develop a new model supporting better access to primary care for well-targeted groups and the Deputy’s Amendment was lost. Then Deputy Southern lodged P.125/2019, which came to the Assembly for debate in February this year. It seemed to me the Proposition was brought because Deputy Southern was not quite content to rely on the commitment in the Government Plan and, reasonably perhaps, wanted to bolster it with his own

Proposition. I took the view that it was an unnecessary Proposition because of the Government Plan but we did work together and we agreed a government Amendment which was adopted by the States on a standing vote. That Amendment adopted instructed me, as Minister for Health and Social Services in consultation with the Council of Ministers, to devise a scheme to improve access to primary care by reducing financial barriers for patients who are financially, clinically or socially vulnerable by (a) identifying and prioritising which vulnerable groups are most in need of affordable access, (b) for those groups, reducing the patient co-payment from its current level and (c) identifying the appropriate sources for the funding of such improved services. That adopted and amended Proposition is set out in full in the original unamended Proposition of Deputy Alves. In the short debate we had on P.125, Deputy Southern stated: “This Proposition as amended asks the Minister for Health and Social Services to identify which of these vulnerable groups are most in need so it is entirely within the remit of the Minister for Health and Social Services to focus where he wants this help to go.” In summary, it was for me to come forward with a scheme and Deputy Southern was entirely happy with that way of doing things. Since the Government Plan and since P.125, under my direction officers have commenced work on drawing up a scheme and have been in consultation with G.P.s. It is true that progress has been affected by those same officers being diverted to urgent COVID-19 related activities but I am pleased to say that the work is now resuming at pace. My intention remains to bring forward a scheme, properly funded, later this year with a start date of 1st January 2021, next year, as directed by this Assembly as recently as February and as agreed by Deputy Southern. This Assembly told me to go away and do the work and to bring back to it a targeted scheme for the vulnerable groups that are most in need. I have to say therefore I am frustrated that both Deputy Alves and, in the following proposition Deputy Southern, now appear to be telling this Assembly that they have already decided which groups are most in need and which groups should have the help and I am wondering: “Why do they say this? Why do they want to bring to a halt the work already underway and substitute their own decisions?” It is seemingly only because of the temporary agreement the Government reached with G.P.s in April. The arrangements reached with G.P.s were as a result of health professionals coming together in an emergency. They were a response to tackle COVID-19. They were not a model to address vulnerabilities. The agreement we had with them was always accepted as being short-term and not suitable as a basis for an agreement outside of an emergency situation. It is the case that earlier this month, the primary care body on behalf of all the G.P. practices on the Island, which of course operate as private businesses, informed the Government that it would not be renewing the temporary contract and G.P.s would be returning to their practices. Nevertheless, both sides on that agreement have gained valuable experience and insights from the temporary arrangements and agreed that they form a helpful basis for the ongoing discussions we are having. Deputy Alves wishes to retain the different charging arrangements for children which were temporarily put in place under that emergency provision but it is impractical to take the measures that the Deputy suggests be implemented when the current temporary arrangements expire in less than a month’s time. Moreover, at a time when public services have been severely disrupted by the COVID pandemic and healthcare needs to maintain COVID preparedness, attempts to put in place the measures proposed would distract everyone involved from the important work that needs to be done to meet the timetable set out in P.125. Indeed, I do have a real fear that the P.125 work will be superseded by the current proposals, if adopted, resulting in some important vulnerable groups being denied the chance of important access or improved access to primary care because we will fix upon children and/or income support households as proposed by the Deputies and not be able to consider other important vulnerable groups. It would also mean a delay or deferral of an important States debate later this year intending to chart a pathway forward for the improved delivery of care to vulnerable people in this Island. I am treating children as a vulnerable group. I am aware, and I have been strongly reminded just a few minutes ago, of responsibilities under the United Nations Convention. We, in Government, want to improve their health and improving access to all primary care services and not just G.P.s is an important part of improving health outcomes for children. At present, most children enjoy good access to G.P. services because many surgeries took a commercial

decision to provide those services free or at a reduced charge, particularly for the under 5s which is the age group that tends to visit G.P.s more than other children. Thus, if this Proposition is adopted, we may end up paying large amounts of public funds to private businesses that are already providing a good service to children at no cost to their patients and no cost to taxpayers beyond the standard contribution of £20.28 per consultation from the Health Insurance Fund. I do recognise that, in the longer term, it may not be a sustainable funding method to simply rely on the goodwill of our excellent G.P.s to fund child consultations but this will be addressed in our discussions with G.P.s as we negotiate new contracts. At this time, I have been directed to consider and try and set priorities around all vulnerable groups; financial, social and clinical. The question I just have to ask myself is that if G.P. services were to be provided free to all children - perhaps 18,000 on the Island which is a very large group - is that sufficiently targeted to demonstrable financial, social or clinical need? There are a number of vulnerable groups and I have to consider them all and not prioritise one group to the detriment of another. With a large resource devoted to a single large group, I would be limited in developing a model which would address the needs of other vulnerable groups or even meet the other primary care needs of children. As an example, I reminded Members of our Strategic Policy which I quoted earlier. It refers to dentistry services. We need to improve the dental health of children. I would love to do that but that is going to be difficult to achieve. I am trying to progress proposals. If precious resources are applied widely to subsidise all children's G.P. visits, then they are not going to be available in the future to help perhaps with a dental subsidy scheme or other primary care initiatives. P.125 talks of a model with expanded roles for pharmacists, practice nurses, physiotherapists, mental health workers and community support workers. Children need all those services in general practice too but the April agreement with G.P.s did not cover that and the present model only subsidises a visit to see a G.P. and not all those other primary care practitioners. The issue around children and medical care is not only about access. It is about outcomes. It is not only about their interaction with G.P.s. It is about services provided by all those other roles. However, the Proposition, if adopted, allows no time for the development of new funding methods to address the needs of all vulnerable groups. It may mean it would be necessary to fall back on the present system of paying rebates from the Health Insurance Fund and this seems to be the basis on which the proposer has assessed the financial implications of the Proposition. If the Proposition was to be adopted and funded by the Health Insurance Fund, it may be difficult to withdraw from this type of support in any new arrangement from 1st January next year and that would be regrettable. Opportunities for transformation would be lost by supporting a current fee for a service model as opposed to a model which places importance on outcomes or performance. It is the case that significantly increased expenditure from the Health Insurance Fund is also not sustainable in the medium to longer term and we need to embark on a path which is sustainable for those periods. The Proposition assumes an additional 5 month's funding amounting to £0.75 million. It assumes it can be made available immediately to support the proposals. The Proposition, before Amendment, estimated the cost of providing free consultations to children would be in the order of £1.7 million annually. In fact, my own estimation, using the figures supplied, exceeds £2 million annually. Government finances are already under severe pressure and this would add an additional burden at a time when our economic future is far from certain. Of course, I do recognise that the last few months have been financially challenging for many Islanders. However, there are existing measures in place to help with the cost of G.P. visits. I referred to the fact that many surgeries offer them free or at a reduced charge. We also have the income support scheme and new initiatives such as Connect Me will continue to support Islanders. The co-funded payroll scheme and the C.R.E.S.S. (Covid Related Emergency Support Scheme) have so far been extended until the end of August to support household incomes and support may need to continue beyond August. The new Children and Families Hub provides additional support for children, young people and families at this difficult time and that service will continue beyond the COVID-19 emergency as an important element of government support for children. I was going to try and briefly address the issues around the United Nations Convention but we have received very thorough advice from our Attorney General and I do not think

I need go into much more detail except to say that it is clear that the position with regard to our obligation is more nuance than might be suggested by the proposer or supporters. The Convention rightly emphasises the rights of children to access healthcare but we know it does not prescribe free treatment and it places a particular priority on marginalised and disadvantaged children and we need to show we are taking active steps, particularly for children who are in marginal situations.

[16:00]

I will be doing that. The Assembly sent me away to consider how best to address vulnerabilities. This Proposition is one for all children in the Island and Members will need to consider whether we need to focus on vulnerabilities, where this is appropriate at this time, to consider all children as being vulnerable and to include them in a free G.P. model. We are able to prioritise services according to the resources we have available. Exactly how we, in Jersey, wish to add to the measures we have already adopted to address our obligation to the United Nations deserves careful consideration and debate rather than a rushed response, in my view. The needs of children and young people to access G.P. services does remain a key concern for myself and Ministers and I can assure Members they are being addressed within the work that is proceeding as part of the Government Plan and as a result of Deputy Southern's Proposition of P.125. This approach has Assembly-wide support. P.125 was supported on a standing vote on an agreed Amendment. To embark on a rushed short-term *ad hoc* unfunded initiative for a few months, I believe would be unhelpful. It underestimates the complexity involved and it does prejudice the work that is currently progressing. For all those reasons I have expressed, I would ask Members to reject this Proposition as amended. Thank you.

The Deputy Bailiff:

Thank you. Before we leave you, Deputy of St. Ouen, a point of clarification from Deputy Pamplin. Deputy Pamplin.

Deputy K.G. Pamplin:

I thank the Minister for his interjection but I just want some clarification. He did not refer to part (b) of the Proposition - and I may have missed it - about the specific cost of the pregnancy package for pregnant women from £120 to zero. Did he have anything specific to talk to that in his response to the Proposition and apologies if I missed it?

The Deputy of St. Ouen:

No, the Deputy is correct. I did not refer to it in so many words but how we provide for pregnant women and children *in utero* will be considered as part of the Government Plan work. It is the situation that we can consider those people as vulnerable. They are children. In considering that, I have been asked to determine which priorities I wish to address and I wish to determine a pathway in which so many of these vulnerable situations can be addressed, maybe not all immediately but over time, so that will be very much part of our thinking. Thank you.

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

I want to commend Deputy Alves for bringing this Proposition. I think she has done a great job. I just wanted to refer to some parts of the Minister for Health and Social Services speech. I was quite shocked at some of the tactics that he was using in this. Some of them are quite commonly used tactics saying how approving this Proposition will delay work which is already happening and that the Deputy has not grasped the complexity of this and I do not accept those arguments at all. The fact is that I am not sure the Minister has grasped that we are still in an emergency situation in terms of family situations. There are many families that are dealing with the impact of the crisis in terms of their mental health and physical health so it might be on a policy level that we are no longer in crisis mode but lots of families are and, therefore, the measures within this Proposition will be really, really important for many families. Senator Mézec also touched on something in his speech when he reflected on the fact that Jersey is a wealthy jurisdiction. Again, I do not accept what the Minister

for Health and Social Services is saying about costs and I want to underline what Senator Mézec has said in the past that we do have the money. We are a wealthy jurisdiction. We have the money, we can find the money and we can also find the time for those who are the most vulnerable in our society. I do count all children and all pregnant women as being potentially vulnerable and we have vowed to put them first. Senator Mézec also mentioned my Proposition in which I called for the U.N.C.R.C. to be incorporated into our domestic legislation and, again on timings, that was 3 years ago. The U.N.C.R.C. itself is not new. It was put in place 31 years ago so there has been a lot of time to consider these issues. I thank the Attorney General for his advice. I wanted to remark on what Deputy Alves is doing and what she is doing is something that the Children's Commissioner has highlighted which was a request from the Committee on the Rights of the Child. I found this in one of the documents on the Children's Commissioner's website where she has a collection of all of the recommendations that she has made and, within that, it references this Committee on the Rights of the Child. Again, I think Senator Mézec referred to this and I quote: "Barriers to children's access to health services including financial, institutional and cultural barriers should be identified and eliminated." This is what Deputy Alves has done. Looking at this, are there financial, institutional or cultural barriers? Yes, there are financial barriers. Some might not see this in their immediate communities and in their own lives and some might not think that we have Islanders living in poverty but we do. There are people living in desperate poverty on our Island and the Children's Commissioner made this very clear to us when first in her post. This is a quote again that I found I think from the *J.E.P. (Jersey Evening Post)* and she said: "I was surprised that, in what comes across as an affluent island, there is poverty, very real poverty, and to a lot of people, that will be hidden." I think we can all remember some of the scenes that she described to us of when she was first visiting agencies, visiting families and finding out about our Island and she really did highlight the fact that there are many families living in poverty. I have seen the impact of poverty on children in my previous career as a teacher and it can be devastating. If we have the power to mitigate some of the effects of that poverty, then we absolutely should be taking action and this is what this Proposition today gives us in the short-term immediately to be able to have a positive impact. The Children's Commissioner has stories and I think she sent an email or a comment and she mentioned that there are lots of children that have asked her for this. She said it was something that time and time again, children who speak to her ask for free healthcare. I asked her for some more details on this and she sent me pages of quotes from children. We fail to put children first and listen to the voices of children. Yes, they are citizens on our Island. They do not have a lot of power and they do not have the power to vote but we should still be listening to them. The Children's Commissioner is there to amplify the voices of those children and she is saying to us loud and clear that we need to do this. She is being absolutely clear on this and we need to listen to her. I think it would be an embarrassment to this Assembly if we do not listen to the Children's Commissioner who we have empowered to fulfil this role. In terms of stories, I have many stories of my own. I wondered whether to share some of them but I have decided I will not because I do not want to risk identifying anybody. To put it this way, I know that there are some families and communities where children's health needs are treated completely differently in terms of whether medical advice is sought when they are not well. It is treated completely differently a day before and a day after their 6th birthday and the reason for this is that is the day that they can no longer see a G.P. for free at the Co-op (Co-op Medical Care). Let us just let that sink in for a minute. I want to talk about the Co-op because others have mentioned that we are relying on the goodwill of private individuals to provide healthcare to our youngest Islanders and some Islanders just will not get that healthcare if it is not provided for free. That is the stark reality of whether the healthcare is free or whether it is at a minimal cost or a considerable cost. Some children will not get the healthcare that they need if there is a cost attached to it. Talking about the Co-op, my own G.P. is with the Co-op and he looks after 4 generations of my family. I am lucky I can afford to make an appointment when I am unwell and I cannot imagine not being able to access this care and expertise when it is needed. Can you just imagine how desperate people must feel when they cannot afford to access this and how desperate parents especially must feel for their children if

they cannot afford it? As brilliant as it is that the Co-op offers this, a few weeks ago they announced that they were in some financial trouble and they were not sure whether they would be able to continue trading. Without the help from this Proposition, the situation stands to get even worse because if Co-op Medical collapses through lack of funds, hundreds of families will suddenly be without that free and reduced cost healthcare which they budgeted for because I believe that the Co-op, although they offer the free consultations for under 5s, there is a reduced fee for all children and others have mentioned other surgeries that offer completely free. These private businesses have been propping up the health of some of the most deprived sectors of our society for a few years now and it is unfair to continue asking private companies to take this on. We need to approve this Proposition today because I think we are at risk of failing hundreds of very young children. I know that some will be thinking: "Well, there is an amount in income support to cover G.P. fees." I understand that and I do understand that there is discretion there to apply for more but this is a point that the Children's Commissioner has made in the past as well. Not all Islanders have access to income support and those that have not been here for long enough to access the income support, those people are still human beings, their children are still human beings and their children still are entitled to the rights that children who are born on this Island are. I am sure that we will hear some arguments, as we always do when we talk about things like this. There will be some Members who state: "Well, if people cannot afford to have children, they should not have them." I wanted to pre-empt that one and knock it on the head before anybody has the chance to say it. Of course, I would advocate always - and I am sure anyone sensible would advocate - that families do their best to ensure they are in a good financial position before they have a child. However, if we look at statistics, only about 60 per cent of all births were planned and if we take that argument of "You should only have a child if you can afford it" to its furthest conclusion, are we saying that poor people should not have children? We do have people living in poverty on this Island despite the fact that they are working often more than full-time jobs, they are living in housing that costs them an extortionate amount of money and they are desperately trying to improve their lives. Even for people in those circumstances, it is still their human right to have a child and enjoy a family life just as it is for every human being. I do not think that argument is relevant at all. If a child is born to parents who are struggling for money, does that child, at one day-old, bear responsibility for the parents' choices? No, it does not. That child has rights in its own right and I will remind Members that we have agreed to put children first and that includes all children. Another point I wanted to make is I was thinking about the measures that we have been putting in place to support the economy and, of course, to a certain extent, this does support families as well. I think, generally, Members have applauded these measures and they have been very well received and the proposed measures that have been put forward I think have been looked on quite favourably but where is the package of measures to support children and families?

[16:15]

The ongoing support of businesses is critical. I agree with that but it baffles me why the Minister for Health and Social Services is going to halt the support that we are giving to children? We are not just suddenly cutting off the support that we are giving to businesses. Why would we do the same for children? We are thinking about handing out free money. We should not hesitate to support this Proposition which targets support to children and pregnant women. To touch on the section of the Proposition that talks about care for pregnant women, I think a previous speaker mentioned that if you are pregnant, you can obtain free care at the hospital. I think that is correct. I do understand that that option is available and, personally, I did not go for that option because I have a bond and a trust in my own G.P. and that is not something I felt I would be able to get with a caregiver who was entirely new to me. This feeling that I had at the time that I was pregnant that is backed up by research, so I looked at a report from the U.K. on better births and there was a 2017 report. It was talking about continuity of care. A quote from this report found that: "Continuity of care and relationship between caregiver and receiver has been proven to lead to better outcomes and safety for the woman and baby, as well as offering a more positive and personal experience and was the single

biggest request of women of their services that was heard during the review.” That to me, from that report, is a resounding endorsement of this section of the Proposition. It is not something we should be denying to women. I also wonder about the type of care. Not to criticise the care that would be received at the hospital, of course, because it is very high quality, but I know that our record services are not ideal. Personally I would rather be with my G.P. who had my full records and had a full picture of me. Lots of people have been with their G.P.s from birth so we need to empower women to have this option available to them. I am going to stop there. I really hope that Members will support Deputy Alves’ Proposition. At this time, when we have just come out of an emergency, I think we need to think about what our priorities are and certainly our priorities should be children and pregnant mothers. I urge Members to support this.

2.1.4 Deputy L.B.E. Ash:

I have changed my mind on this. I started off thinking I would support it. It is only having listened to the Deputy of St. Ouen, I believe that the Minister for Health and Social Services is looking to the best model. I am happy to give him time to come up with that best model with correct research, funding, *et cetera*, and to achieve a pathway to aid the vulnerable. I think he will do his level best; he is an honourable man. If, however, he does not I would want to see it back here and we would have to look at it. But I really would have liked to support Deputy Alves because unlike many of the populous we hear in both the Assembly and on social media, I honestly believe that she genuinely, along with Caritas, really understands the problems faced in the vulnerable areas of our society. She wholeheartedly tries to address them and combat them and she is really in the thick of it. I admire so much of that and I think she is one of the most genuine people we have in the Assembly. In society today we have many who think they know what people want and of course think they know what people need whereas in reality the people they seek to help do not care a less about a world of pink unicorns in a carbon-free world or speaking Jèrriais or statues in St. Peter. They have real problems right here, right now. I think Deputy Alves is one of the people who really attempts to address them. It was certainly one of my main aims, and I believe the Treasurer’s main aim, when this crisis hit to personally and professionally in my role as Assistant Minister for Treasury and Resources to protect those very people in this recent crisis, and I will continue to do so. One other point, while I am on the subject of health and protecting the vulnerable people, I would urge Members to bear in mind my words when we come to debate the hospital because it is not what you want or a few vested interest groups want, it is what the people want, the people need, the people require and, above all, the people deserve. Thank you.

2.1.5 The Connétable of St. Ouen:

I was pleased to follow Deputy Ash’s speech and I would resonate with the comments he makes about Deputy Alves. My own personal experience with the Deputy is that she is very caring and she has a deep understanding of her own community. However, I have to say that the Proposition, as it stands, concerned me greatly when I listen to the Minister for Health and Social Services’ speech, and I have a great deal of respect also to my Deputy, who is one of the most caring individuals you would ever wish to meet. He says that if this proposal is accepted by the Assembly then it will detract from his ability to do P.125 which, as he has quite rightly stated, is designed to target the most vulnerable in our society and those that genuinely need help. Not only would it detract from his efforts with resource - and as the Deputy Chair of the S.E.B. (States Employment Board) I can assure the Assembly that States resource is extremely scarce at the moment as it is spread very thinly over other projects, largely to deal with COVID; whereas we might think we have had a lot of resource in the past that resource is now engaged elsewhere - then it concerns me greatly that this will delay what to me is really the nub of this Proposition, which is targeting resources at the most vulnerable, namely children and those who are expecting children. Also I think we need to bear in mind, we have heard comments about the fact financial resource is plentiful and I think Deputy Doublet made a reference to that. I can assure you that with the amount of money that we, as an Assembly and a Government

have spent on the COVID crisis, supporting industry and supporting people through it, resource is nowhere near as plentiful as it has been and we have to be very careful what we spend money on. The Deputy mentioned that not only if the proposal is accepted it will put a strain on people resource, it would also put a strain on financial resources and that again concerns me greatly. We are going to need every penny that we have. We may well have to borrow it to do things like build the hospital and indeed support the economy going forward in the short term. I think we need to be very careful about what we have and where we target it. Unfortunately I do see this proposal, whereas it has a lot of emotional merit, as financially being a bit of a distraction and could detract from our ability to help people who really need our help longer term. I will be brief, and for these reasons I do not feel that I can currently support it. I will wait to hear what Deputy Alves has to say in her summing up but, at the moment, for those reasons I really feel I cannot support the current proposal.

2.1.6 The Connétable of St. Saviour:

I am a bit torn with this because I find everybody needs to have help. What worries me just a little bit is on page 5 it says: "Every child and young person in Jersey should therefore be able to access healthcare for free regardless of the child or the family's economic situation." Yet whenever anything comes up for the seniors, they are always means-tested. I just find that is a big conflict for me because I was one of those who did not sign the pledge to put children first because I feel as a Constable I have to put everybody first. Hopefully this is what I have done in my term. I just found that this was such a sweeping statement "regardless of their family's economic situation", and yet if you are a senior and possibly living alone with no family at all to support you, you are means-tested for television, for just about everything that is going. I found that rather disappointing. As I said, I did not sign. My priorities are for everybody who needs help, not just children or pregnant mothers. I do not think, as much as I love Deputy Alves, I am going to support this because there are more vulnerable people than children and pregnant mothers. I am sorry. Thank you.

2.1.7 Deputy K.G. Pamplin:

It is always a pleasure to follow my Connétable, and it is always a pleasure to hear her after she said she was herself seeking a hospital appointment - I believe she said earlier today - so it is good to hear her. As others have mentioned this is a conflicting one for me also. I am highly supportive of both people who have been speaking on either side of the debate. Obviously my colleague, Deputy Alves, who sits alongside us in our Health and Social Security Scrutiny Panel and the Minister for Health and Social Services who he knows, and of course Deputy Alves knows, I am supportive of their attitudes towards the healthcare of all Islanders. It is tricky because we have just gone through and we are still going through and experiencing a global pandemic that has changed the game. It has changed the world. It has changed, in my belief, how everything that we were doing right up to March, which does seem like only a few months ago, but suddenly there has to be an absolute rethink about everything now going forward; not kneejerk. Absolutely not, of course. We have to think very carefully going forward of the economic impacts that our generation and the generations that we are ploughing the way for, i.e. my children and grandchildren, it is going to be a very difficult time for all of us. But the access to healthcare is a tricky one and I intervened earlier when the Attorney General ... with his helpful interjection about healthcare in Ireland particularly and other countries, they are now going back even to decisions they made at the beginning of this year and having to rethink. This gives an opportunity to the Minister for Health and Social Services, as he quite rightly says, there is work going on and that should continue and it just gives us a bit more refocus because pre-COVID it was a situation that we struggled with and we have spoken many times in this Assembly about how much does it cost to see a G.P., and it is something I raised last time we spoke about this and I will bring it up again now. Thanks to the Jersey Consumer Council, who provided a website which people can access, Jerseyhealthcarewatch.com, although I say that with a caveat. Unfortunately the information they are providing to the Island has not been updated since 1st September 2018 but we have raised this in other areas of Health Scrutiny if you want to look at

previous Hansards. It is a higgledy-piggledy hotchpotch of fees. It is not standardised. One G.P. practice, as of the date of 2018, to be fair, would charge £15 for a consultation for a 5 to 15 year-old, another surgery charges £20, another surgery charges £27.50. The consultations for under-5s vary from £10 to nothing to £27.50, so therefore obviously as a parent, and speaking as a parent, when you take your child to see the G.P., unless you are aware of your G.P. fees, you may be paying different fees depending which surgery you go to. I guess it brings this back in the domain of what we are seeking for here, as part of the Minister for Health and Social Services' continuing work, is the standardisation of fees and working with the primary body about this going forward because, as we saw during the crisis, suddenly we uniformed all fees, very clear what people had to pay. Yes, there was a bit of an issue that came about the Urgent Treatment Centre and was gratefully resolved by the Health Department. But it made it really clear for what the charges were. I think that is really important, especially if you are in the world that I have been when you have a very sick young child, and especially I remember when my daughter was a baby and we suddenly had an emergency on our hands. The thing I did not want to be thinking about is how much is this going to cost me. At that time you just want to get your child seen by your medical G.P. I pay tribute here also to the local G.P.s who I know from personal experience, and also talking to them in the various consultations that we have done over the last 2 years, that a lot of our G.P.s are so sympathetic and understanding to the individual needs of parents, especially when they are bringing children and at times will not charge them. Which is a wonderful gesture when of course they could do. But again that is a personal approach and should that be standardised? My big issue, and the Constable is right, is anybody vulnerable who needs the support of our healthcare should it means-tested? Should we not just have free healthcare for over-70s as well?

[16:30]

I think if you look again at some of the countries I have mentioned, they are absolutely reviewing all of this. I hope the Minister for Health and Social Services in all the work he is alluding to is really looking at this as well, especially those shielding and those who are going to be making life changes as the coronavirus continues to be out there until we get this vaccine, if we ever get one. This all has to be taken into the mix. But my other issue is, it is all well and good during the day, but healthcare does not work 9.00 to 5.00. It is 7 days a week, 24 hours a day. Our other big problem is after 11.00 p.m. at night, and I raised this last time we talked about this, I had a single mother with 3 children. One of them was extremely sick but she could not get to the hospital to get treated and she phoned me up because she said: "I cannot afford £143 to pay for a G.P. to come and see my sick child." That is the sort of decision-making we have to review, as a society, how do we deal with that going forward. That anybody after 11.00 p.m. at night suddenly has to think about paying £143, no matter what age you are, what your circumstances are. These are all the things, especially because of COVID-19 and the changes to our lifestyles that, yes, we are in a good place now and let us hope for the months ahead, but I think all of this has to be raised now. And, of course, early prevention. If you can get to an early diagnosis, especially in the world of tumours, and that can be picked up at an early age, removing the barriers for children, young people, at the earliest possible case only increases the prognosis and the successful recovery of dealing with whatever long-term illnesses that anybody may have; I talk about asthma there as well. Finally, Deputy Alves is absolutely right again, and I do not think it is a surprise to anybody to hear me talk about mental health. We raised this subject during our review. Recently, only a couple of weeks ago, I had the absolute honour and privilege of having a Zoom conversation with young teenagers of Youthful Minds. This is a group of young teenagers who come together with the charity Mind, and they themselves are lived-in experience of children who have lived in care and do not have anybody to help them pay for their bills and/or people of all demographics, of all walks of life, who have suffered a mental health crisis. They are coming together as a group of young people to do something about that, to raise the issues and to talk to grown-ups about the problems that young people face with the stigma that is still there of accessing somebody to help them with their mental health. At the moment, in our healthcare system, that entry

access point is their G.P., which can unlock the door for many and it is a safe place for people to go and get that support. I think Deputy Alves is absolutely spot on to remind everybody about our situation there. So I raise all those points. Again, the tone that has come out again about backbenchers bringing propositions forward, every single one of us has a democratic right to bring something that is very passionate to them, to this States Assembly. That is what we hear; both sides of the argument. The Minister for Health and Social Services' work I believe and I support again what Deputy Ash said as well. But this is what we are here to do. We are debating what matters to all members of our society. This is a really important point. Should we have universal free healthcare to all vulnerable members of society? Free healthcare for over-70s? Yes. Should there also be free healthcare deliverable for our children, so it is not a barrier, especially for those who are going to be affected by the fallout possibly economically of COVID? Yes, but that needs to be paid for and it needs to be fair. We may need to just relook at our whole society, our whole healthcare structure, which works best for all of us. That is all I wanted to say.

2.1.8 Deputy J.H. Young:

I am very torn with this because I was very impressed with the Minister for Health and Social Services' speech and I think he did give very good reasons in response to Senator Mézec's also very strong arguments. I can clearly see that here we have got a proposal for, as I understand it, a short-term measure to bridge the gap between the end of the G.P.'s arrangement and the new arrangements coming. I empathise with the Minister how difficult it is both to win the resources, but not only the money but the people resources to do the job and we have a very ... our policy officers in government are very highly stretched at the moment. There is so much major work in place and of course a large number have been diverted during the crisis and we are starting to get back. But that is not like throwing the switch instantly. So there is clearly, I can see here, for the Minister to fulfil the commitments that the Assembly and he has made is complex and is going to take time to work out how this can work for all the reasons that other Members have said. It is not just this particular group of children, it is about vulnerable groups, and what are the rules and how we are going to work that. So I really saw why he has to advise the Assembly not to go with this. Of course, I think the work that he and his team are doing is visionary. For many, many decades Jersey has lacked the ability to link its primary healthcare services up to its secondary healthcare services. I think it has been to our whole society's detriment because late diagnosis and so on leads to serious illnesses taking hold and delayed treatments and so on. There is not any doubt that people who have faced financial decisions as to whether to go to the doctor's or not who do not have adequate means, who are kind of just about breaking even in life, have deferred going to visit doctors. I sing their praise, the doctors, that some of them have tried to make arrangements for vulnerable groups with lower fees but on very much an *ad hoc* basis. But of course they are private businesses. They are faced with high rents. They have got high costs just like everybody else. They need to keep viable otherwise they will not be able to continue. So I do see that. But of course what I was asking myself, listening to the speeches, how can we cover this 5 months' gap between the closing of the urgency scheme and the new one coming? Of course, particularly this 5-month period, the economic advice we have had is that we may well see a large rise in unemployment in that period. That will cause a high degree of financial stress during the same period. Lots of experts are predicting, and we should not rule out a second wave, which will mean we will have winter illnesses and our health service will have to deal with a mixture of winter illnesses, which may not be easily distinguished between a resurgence of COVID. So I think we can ill-afford not to consider that in our decision-making. Also, for me personally - I accept the fact that Deputy Pamplin made when he spoke about emotion - there is emotion in this. I have got 5 grandchildren. I have got adequate means that it would never enter my head not to spend money on their healthcare, but I have to recognise that there are a very large chunk of the population who are not so able to do that. Of course Deputy Alves, we know that her past experience, I believe, working in the medical practice, she knows the vulnerable groups and the experiences they go for. She has brought through a very sincere thing. For me personally, I signed the pledge. I put my name

under: “We would in all our decisions put children first.” Of course we are, as Deputy Doublet said, putting out a lot of money. We are borrowing millions of pounds, we are having to do that for economic stimulus; £11 million in vouchers, millions of pounds in other things. I do not think for me it is entirely a money issue. There is no question that part of the work that the Minister for Health and Social Services will need to do in bringing forward his ideas, his proposals for a better healthcare arrangement, I believe personally, at some point it will be necessary to examine a new funding model. Because healthcare cannot be delivered on the cheap. This Island is a rich Island still and we deserve to have the highest healthcare and we need to try and ... as we committed in all of our Government Plan statements, objectives, that we are going to reduce that inequality unfairness. I feel very uncomfortable voting against the Proposition but I still have not made my mind and I am very pleased to see that the Minister for Social Security is going to follow me in her speech because this leads me to the key question. If we do not approve this what other systems have we got in place to ensure that those people that are struggling and do struggle in the next 5 months, while the major work goes ahead, are helped. What systems are in place and therefore I think ... and it is not just for children. I think that is for all vulnerable groups. So therefore I am going to pose that question and I will make my mind up when I have heard the Minister for Social Security and other speakers because I find this such a difficult choice.

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

I do hope I can persuade Deputy Young, and it is very emotional when we talk about children and what we have all been through. My problem with this debate and the next debate, we were sent away in February and Deputy Alves has put on page 6 (a), (b) and (c) of the Proposition P.125. A few times while we have been in COVID I have tried to approach and have approached the Minister for Health and Social Services and said: “Surely we cannot still be on target.” We had met a couple of times at looking at who would be the vulnerable, where we would target and again everything says: “Identify an appropriate source for the funding of such approved services”, everyone keeps running to the H.I.F. (Health Insurance Fund). I am supporting the new healthcare model, which will also have everything I want to see in (b) and it is about developing general practice but with nurses, pharmacists, psychologists, mental health workers. It is going to cost money. That is not my issue today. Today, and in questions, when the Minister for Health and Social Services has been asked, and I am backing him all the way: “Are you still on track?” he has said: “Yes.” He wants to bring this. He has really got this at his heart. Today, something has just landed on our desk and because we are not now employing the G.P.s to try and have some quick negotiations with G.P.s, how will we do it for 5 months. But we all know, if we include every child for free and then the pregnancy package, that will never go away. Then we make the pot smaller and the real issues we must be looking at. Deputy Young challenged me. We have got around 750 people on income support and that is costing £7.7 million. The people that were on it we are giving another £2.5 million. It is just over £10.3 million. All these people, and Deputy Doublet alluded to this, every person in the household gets some money in their pot to go to the doctors 4 times. So if you have a family of 4 that is costed around 16 visits. That is not ideal and obviously if you have long-term illness sometimes that can be more. But then let us talk about long-term illness for someone who is 30 and someone who is not on income support.

[16:45]

Neither of these Propositions help him. They need to go to the doctor because they have a long-term health issue. Now this is what we wanted to do and what the officers ... as Deputy Young says, very stretched but they have not said they cannot do it. They are doing it. To me the debate should have been when the Proposition comes back and if Deputy Southern or Deputy Alves or anybody else, as Deputy Pamplin says, absolute right of any Assembly Member to bring an Amendment. As I say, this was February. In between then we had COVID, in between then we employed G.P.s. Now some like that, some do not. I would like to turn to Deputy Alves’ financial and manpower considerations.

Now, there are 2 different figures because she quotes £1.7 million. That is obviously for the year, and £750,000 for the few months. Now I do not know where the Deputy is costing this from because if it is what people visited last year it was not free. Now to me free can be doubled or trebled overnight because it is free. I am not saying when we come back with the new healthcare model and the new thing that the Minister for Health and Social Services and I are working on with officers, that it might be easier to do some things free. I am not sure at the moment. But costing it is not always easy. We are not the N.H.S. (National Health Service) and even when I look and see how great the N.H.S., they are not doing great with low income families. Their health is not so much better than the health of children or low income families over here. Why? It has been free since they started. I think it is because where Deputy Alves also puts under the finance there is no manpower implications. Well if suddenly people start going to the doctors 3 times more than they did there are manpower implications. You will get longer wait appointments, you might not be able to see the G.P. you normally like to see. It is hard. This will not, if passed today, make our healthcare system for the future better. It will not be a stepping stone because as somebody and somebody and somebody has always like said, once you give something away for free try and take it back. "It is only for 5 months, they all understood it"; no. No. I just mention prescription charges. I have never met a person yet who could pay £2 for a prescription now because they are free. They are not coming back. I am not saying that. I am just saying where we went with free. Deputy Doublet said why can we not support children when we have been supporting industry, the co-funded payment scheme. The co-funded payment scheme was there to keep people in jobs, people with families, people with children, and their jobs going and that they will still be there when we come out of this and we have an economy. That is there to support everybody. I am not saying we are not going to get ... when that falls away, if it gets worse, but by then - September I think Deputy of St. Ouen has said, the Minister for Health and Social Services - you will see what you asked us to do with the work and the research that we have done because also Deputy Alves under finances says: "In the absence of any hard data on the frequency of G.P.s." That is what we are trying to look for. Hard data. We do know about the doctors at the moment who do not charge under-16s. Are they getting to see more children or are they getting less? Has it gone up? I mean we need to know all this. We really must do this work. We want the Assembly to give us that chance and that is when you amend it. The elephant in the room - and somebody mentioned Caritas - now all under free would include the people who are just here or just had a child and have not done the 5 years and, yes, they do not fall into the income support. They would get free doctors. But they do not get any other help. If you really want to give everything free we need to start talking about the big issues; who is in and who is out. How can we defend this? Because I know the Children's Commissioner looks along these lines as well. If we really have to do everything and we want to aspire to be a signatory to the U.N.C.R.C., we literally have to look at everything we do. But for today, it is very nice to give ... I have at the moment 3,100 children on income support. They get extra money for doctors' visits. We want to give free appointments to 18,000 children thereabouts. There are a couple of different figures. Now, Deputy Young said most of his grandchildren's parents can afford to pay. Probably that might be a different matter. I suppose if you believe the N.H.S. has got it right, it has been free for years and they employ the doctors, that is the way we want to go, that is not what we are looking at because we have watched them over the water. We want to take the best of that. We want to bring forward the Proposition and if then you do not like it you pull it to bits but please give the Minister for Health and Social Services and myself the time. Now if there is something we need to do for a few children in that time please let me know who they are but I do not want to be giving away millions of pounds for some children who may need the help. The ones I know that are being helped, as I say 3,100 children on income support, also you will have elderly people with long-term sick, who really struggle to go to the doctor, not covered in this. But if you give it now I will not be able to help them later. Nor will the Minister for Health and Social Services. It is emotional. It is a hard decision and if the Minister for Health and Social Services had turned around in any speech and said: "We are going to put this off because of COVID, it has been too hard. Might bring it next year." Absolutely, bring something forward but

not today. I really urge Members to get behind the Minister for Health and Social Services. He really wants the best healthcare service there is. The new healthcare model, the way we work with the Island, we make sure we see people before they are ill. It is preventative and everything like that, but we cannot do it if you take a chunk of money, £1.7 million for the year, for just children. That is, as I say, costed on what they go now. It could double if it is free. Please get behind the Minister for Health and Social Services, give him that few extra weeks, a couple of months, he will lodge ... if you do not like what we are bringing then you try and amend.

The Deputy Bailiff:

A point of clarification from Deputy Ward.

Deputy R.J. Ward:

The Minister said, and this is really for understanding where the numbers come from, that making it free would mean that people see their doctors 3 times as much. So does that mean that the current situation is suppressing the use of doctors and is there evidence for that?

Deputy J.A. Martin:

I said it is very hard to cost free but anything free, I am looking at the N.H.S. where it is free, they are overrun in G.P.s, they are overrun in A. and E. (Accident and Emergency), they are overrun in walk-in clinics and it is all free. They are not getting to see a G.P. when they need to and it is free. The Deputy can make of that what he likes.

Deputy R.J. Ward:

It is a supposition then, thank you.

2.1.10 Deputy I. Gardiner:

I am surprised more and more during this debate that these 2 Propositions, G.P. with income support, which we will debate later, and G.P. fees for children and pregnancy packs came together somehow during this debate, and for me there are 2 separate Propositions. I will try also to explain why. But I will start from something that I mentioned in a previous debate. There are different policies between different G.P.s around the Island. I have mentioned in a previous debate that I am aware of at least one surgery that already offers free G.P. visits for children under 16. I had a chance to ask how they are doing it - it is private practice at the end of the day and they need to make money - and asked why they are doing it. I have been told a very simple answer. All G.P.s in this practice agreed and committed to give children free care and because of the volumes they can afford to do it on the government children supplement that exists already. So it is a really big question mark how we are managing the conversation and negotiation with G.P.s because it is already happening. By the way, they do have also different reduced fees for other vulnerable. It is happening, they are committed and it is enough to have the government supplement for children to make it happen for free for children under 16. From my perspective, free access to children should be done anyway. Now or from 1st January the pregnancy part should be done anyway. Now or from 1st January. It is not something that would be different. Previously the Minister for Social Security just said: "Oh, spend £100 on doctors." Does it mean that the people really do not have money at the moment to spend on G.P.s so they need to spend the £100 that they will receive on the doctors. This is the reason that these 2 Propositions are different from my perspective and we should do something now that the children will continue to receive the care. As any other Islander on income support can support. From my perspective, a healthy Island is a productive Island, and illness will cost us more than G.P. visits will cost us now. As an employer I would welcome this. As a mother I would welcome this. As a States Member who constantly works in the best interests of the community, I would welcome this. I will fully support this Proposition.

2.1.11 Senator T.A. Vallois:

I am extremely torn with this particular Amendment, this particular requirement. I will explain this and I am sure the Minister for Health and Social Services will understand, in conversations we have had around the Council of Ministers' table, as to why I am slightly torn, and so I appreciate people's speeches and their points of view on this particular subject. In the Common Strategic Policy we specifically set out to improve people's fiscal and mental health. The second priority of our 5 priorities in the Common Strategic Policy and we stated that: "While prevention is key, mental and physical health and care services must be fit for purpose, support equitable access and be more integrated around the needs of Islanders. Care must be provided when and where it is needed most and closer to people's homes. To do this we must evolve our health and care system to meet patients' needs." I will emphasise the "needs" requirement, particularly as more Islanders live longer. "This will include testing new approaches to the delivery of primary healthcare with more support within the community and Parishes throughout multidisciplinary teams, community hubs and excellent acute care within the new hospital." The reason why I make that point and I re-emphasise the focus of our efforts in the Common Strategic Policy - which if anyone wants to refer to it, it is page 10 - is because my opinion is that there is no wealth without health. The reason why I am torn with this Proposition is because from my point of view if you are freeing up consultation fees, particularly for our younger generations, you are enabling families to be able to pay for the extra costs that are required in terms of primary care provision. Some of these are blood tests, referrals, E.C.G.s (electrocardiogram), all the many other things that the primary care provision offer in terms of G.P. costs. We have stated time and time again about our objectives to meet prevention and intervention, which I believe is particularly critically important.

[17:00]

It is not everything for free but I do want an accountability for the primary care service that our Islanders need. So I will focus on the experiences and issues for those of the younger generations. Many of my colleagues, many of the people around me, will know I have a chronic illness. This chronic illness can affect very young people. The required tests, the required expectations going through the primary care system will add to the costs, not just the consultation. So some G.P.s may charge just a £40 fee or a £20 fee for a child under the age of 16, as an example, to have a consultation. But then you have to have all the other requirements on top of that, which are blood tests, in some circumstances maybe E.C.G.s, and in particular because they are general practitioners you need referrals. So you also have a cost to be referred to secondary care to identify exactly what the issue is that you have as an individual. As somebody who has Crohn's Disease, I know how unbelievably difficult it is to diagnose this particular disease. It is not a nice disease. It is an awful disease, if I am absolutely clear on that. Everyone is affected in their different way and nobody understands how or why you get this. So when I refer to the issues of vulnerability, what that means in terms of vulnerability, does it mean that a family because they are wealthy enough to enable all the different approaches to the research and the recognition in this field, in particular, to support their child or a family member to achieve the best treatment that they can, I have to ask and I have to question whether that is right and what our responsibility is to ensure that diagnosis at the earliest possible stage is so important for our long-term objectives. I am not thinking short term or medium term. I am thinking long-term objectives. This is why I go back to that point I made at the beginning that there is no wealth without health because if we can put in place the requirements and understanding of being able to diagnose and support primary care in the appropriate way early enough then we can delineate the argument around things costing us more in the future, particularly with regards to secondary care. The reason why I am torn with this is in 2 parts, is because I fundamentally believe prevention and intervention at the earliest possibility is so important. Having a period where we are not having the possibility of parents being able to go into that further exploration and understanding what may be their child's illness, no matter what their family income is because this is extremely important. Being able to recognise the issues and the health issues of that child early on in order to get the right support diagnosis, whether it is drugs or therapy, whatever it may be, will set them up

for life and enable them to cope and find coping strategies to deal with those health issues going forward and make them a very capable and supportive member of society. We know and we have heard of the issues of people having to end up at the Emergency Department because they cannot afford to go to G.P.s. I have to ask and I have to question, where I am torn, is why are we allowing a default position of moving away when we have extended the co-funded payroll scheme to the end of August and when we are looking at a potential because we do not know what COVID will do when the winter comes, what happens - that is a serious question - when it comes to the winter months, the autumn/winter months, in terms of the provision and the support that we will provide if there is a second wave. So I recognise the arguments all on both sides but I felt I absolutely had to make the point that I felt were not being answered in terms of my concerns going forward. I think from my point of view we have a long-term issue where if we do not grapple with the Jersey Care Model, and I know we are and I respect the Minister for Health and Social Services and the Minister for Social Security for all they are doing and I recognise the great efforts that everyone is going through to try and resolve these issues, but it is those 6 months, that uncertainty that we have with what comes round the corner in what could potentially be a second wave because we still have the pandemic, no matter what many others may think or may not think. There is still a pandemic going on around the world. If there were to be some form of second wave then would we have to have another emergency debate to bring back into place the requirements of the G.P. consultation fees and, if that is the case, why are we going against what is being suggested now? I look forward to hearing any other speeches and the summing up of this debate. I really appreciate Deputy Alves for bringing this forward because I think it opens it up for an appropriate debate on where we feel we are in our current circumstances.

2.1.12 Deputy K.F. Morel:

I just wanted to say I am in a similar position to Senator Vallois, feeling a little torn. That is a surprising situation given that half an hour ago I very much knew where I stood on this issue. But I feel I must say a couple of words, not with a view to persuading anybody one way or the other but more to explain where I am. I do feel that we have asked the Minister for Health and Social Services to come forward with these proposals this year and that we should stick with that. I do believe that having been given that timeline to work to, and the Minister for Health and Social Services has confirmed that he is still on that timeline, that it is unreasonable for us to then start putting in provisions which muddy the waters. In fact probably do a lot more than muddy the waters. However, I would also like to say that I think it is disappointing that the Minister for Health and Social Services and his department had not seen this clear gap and had not pre-empted the idea that there would be this 5-month gap between the G.P.s being supported and these new proposals coming in, and so look to fill the gap more readily. Considering the amount of money that we talked about giving Islanders in terms of support for the economy, so that is the £11 million, the £50 million support in other areas yet to be decided, the costs of delivering at least some sort of stopgap provision for the next 5 months do seem a lot smaller and so I feel the department could have done a bit more work in thinking: "Hold on a second, if we suddenly drop people here it is going to create a problem" and in fact that problem is exactly this. Private members' Proposition which then, if it were to pass, potentially could knock the Minister for Health and Social Services' work and the department's work into some confusion, if not jeopardy. When looking at the Proposition I also then look at the pregnancy packages, part (b), not so much has been spoken about that. The costs involved there really kind of look to be around the £60,000 mark and, in fact, I have been discussing with other Members and certainly the hospital itself provides pregnancy care, antenatal care for free and, if I remember rightly with my own family, I do not think we used the G.P. services so much as the hospital's antenatal care at the time. So it is clear that there is a means of getting free antenatal care already today and that would not change. Please correct me if I am wrong, somebody, in that respect. I do not believe I am making a great deal of sense, which perhaps suggests the confusion in my mind. I am unwilling to knock the Minister for Health and Social Services off course right now. I think the work that the department is doing is

really important. We set that timeline. I think we need to stick with it. I think it is a shame that the department did not pre-empt the ending of the support for the G.P.s and this so-called hole in the provision for children and perhaps set up the stopgap earlier, but that is unfortunate. It is resulted in this Proposition but nonetheless I do not feel it is the right thing to do, to support the Proposition right now for fear of creating bigger problems. The money that would be used to fulfil the wishes of this Proposition will undoubtedly mean that other services elsewhere in the Health Department lose out as a result and I just do not think that is appropriate right now in such a situation. So I am sure that is clear as mud but that is my little contribution today.

2.1.13 Deputy R.J. Ward:

Some very interesting contributions the last few, and I thought I will just try and put some points here. I made some notes but I am going to start with my last note, because of the last speech. I am not so sure this is necessarily in opposition to what the Minister for Health and Social Services is doing or the care model. I agree that that gap should have been anticipated but I would just say one thing, 6 months is a long time in a child's health history. If we have learnt nothing from the pandemic, it is that we have to act quickly and surely take action that is deliberate and thought about with the future in mind but it may have to be adaptable. We have acted quickly with the economy and put quite a lot of money in - £11 million for people to spend - and I am unclear as to whether these vouchers could be spent in the doctors. But if they can then this is an investment in the economy. So therefore, surely the £1.2 million, which is small compared to the £11 million alone that has been put in there, and if you add the cuts to the social security it is a very small figure. Surely that would act as a similar stimulus for our G.P.s therefore the money is not going anywhere other than on-Island, which is a positive thing. Long-term, therefore, the money will be well spent. It may add to the quality of life. It may save the quality of people's lives and I was very interested in what Senator Vallois was saying. I absolutely agree that prevention is the key and preventative medicine early on in a child's life is so important. When a child is young, and particularly when they are very young, the last thing you want to be worried about is going to the doctors. You need to go and get that specialist care so that you can be aware of where you are with your children and give them the best possible start in life. We cannot continually ignore our stated commitment to children. It cannot just be: "Well, yes, we made a commitment but not at the moment because it does not quite fit" and that is the comments. I was quite disappointed in the comments. It said it will be impractical to take measures. It cannot be impractical to put children at the key to what we are doing in order to give them free healthcare. There is also an element that this is up to 17 and children having free healthcare means they can access healthcare when they want to, past the age of 16 and 17, and not have to pay. They may need to do that alone with conditions that they have or circumstances they want to talk about, particularly when we talk about mental health issues. Surely, a few pounds of our income to do that is money well spent.

[17:15]

We cannot base our putting children first on the goodwill of G.P.s. That is not a practical system to have in place. We need a structure. We need something definite and we have had it. We have got it at the moment. It is going to run out. This Proposition, and I commend Deputy Alves for bringing this, yet again a backbencher doing the work to do the right thing for the Island. This just extends it through that gap until we have a more structured and hopefully a healthcare model that will be fit for purpose and do exactly the type of things that we have talked about in the Common Strategic Policy. Finally, I would agree with Deputy Doublet when she said that the argument will distract others involved. I am sorry, we have got to get away from that damaged argument and look at what we need for the Island. There is a gap and we can do something about that gap today by supporting this Proposition. I urge every Member to please take the action that we need to take today.

The Deputy Bailiff:

In the chat Deputy Doublet has asked us to note the time, and it is indeed 5.16 p.m. To see if there is any realistic prospect of finishing this debate tonight can I invite those Members who still wish to speak to indicate in the chat if they wish to speak? There are no indications in the chat and accordingly ...

Deputy M.R. Higgins:

I have already put my intention to speak in the chat.

The Deputy Bailiff:

I do not think you have, Deputy Higgins, but you have now. So there are 2 Members who wish to speak and accordingly I propose to - at least 2, 3 it seems - ask Deputy Higgins to speak and we will carry on until 5.30, in the usual way when a Member may of course propose the adjournment.

2.1.14 Deputy M.R. Higgins:

It is an often-used phrase but I was not intending on speaking in this particular debate. It is a very difficult one and, like other Members, I have been going one way and the other, however in the past, and I can never forget this, the Island has failed, if not betrayed, our children. We signed a pledge that we would put children first and by the way that does not mean that I do not support measures for the elderly and other vulnerable groups, and I do honestly believe we must keep to our commitments. I can understand what the Minister for Health and Social Services was saying about they are working on things but we are talking for a relatively short period of time, and I believe that we should support Deputy Alves, who I have the greatest respect for because her motives, I think, are pure in this respect. So I shall be supporting the Proposition whenever we come to the vote.

2.1.15 Deputy G.P. Southern:

I do not know how grateful I am for being asked to speak at the end of a long day but here goes. What I want to do is to refocus on our commitments and, in particular, on the Common Strategic Policy 2018-2022, which outlines government policy and which all of us in this Assembly signed up for. The key paragraphs are these, I feel: "We need to support the best start in life for all children. We must build on this foundation to ensure equal access to good health for all Islanders at every stage of life." A commitment for the best start in life for all children. "The Council of Ministers will embed health and well-being considerations at the heart of all government policy, acknowledging that government action can either narrow or widen the gap in health outcomes." Again, a firm commitment to do something. Then it goes on: "While prevention is key, mental and physical health and care services must be fit for purpose, support equitable access, and be more integrated around the needs of Islanders." Support equitable access. That means access for all and affordable access for all. Then when we talk about putting children first the statements are even stronger. "As a Government, we should establish a legislative and policy framework, based on children's rights, to create the foundation for a more child-orientated Island." Note there, not children's privileges or children's conditions; children's rights and that is key to this particular element as we found from the content of the report. Then finally in this particular part: "We will use the latest policy evidence to bring forward approaches that address the barriers that hold some children back throughout their childhood." Illness is one of them. "For example, living in overcrowded or poor quality housing, living in families with low incomes and limited access to primary care services, such as G.P.s and dentists." That is what this particular Proposition attempts to achieve and is the concrete evidence that we meant it when we said we want to put children first. It is no good as a nice sounding set of words, it needs action and that is what this Proposition does. I just want to remind Members of some of the history that we have got here. I am saying it now, we used to have free access - this is not revolutionary - we used to have free access to G.P.s for a small group of people. Health Insurance Exemption allowed you to see your doctor for free. We scrapped that when we went and developed the income support model, which does not contain free doctors in that sense. It allows 4 visits per

year in the costings but any extra to that is paid for out of income support contributions. So we cost people to be ill when you are on income support. That is a group which should be targeted as well and certainly families with children where that must happen, I would have thought. We have heard much from some people that some G.P. practices are not charging children or not charging particular groups of people and are managing their budget with that in mind. But what we have got there is a decision from the G.P.s that says we are taking on our initiative, we are taking a hit in order that the health system that we have is effective. We are asking what basically are private members of our society to shoulder that burden because we have not done that and we could do that. I believe we should do that. The problems that the Minister appears to see everywhere in attempting to include children in the free access and affordable access to G.P.s will require new funding. There is no doubt about that in my mind. I do not think there is any doubt about that in the Minister's mind. When he talks about: "Oh, well you should not do this, we should just let me come with my ideas" the fact is we are not stopping him coming with his ideas come September, come January next year. We are expecting to hear from him how he intends to complement what this Proposition says with other vulnerable groups so that we can make sure. If that is an additional cost then so be it so we can make sure that we are properly regarding the health of our population, especially children. This brings me to the essential point, which has not been emphasised I do not think enough today, about the type of health service we want to provide. In that what we are looking for is preventing disease, early diagnosis of disease, and the fundamental problem with what we are about to return to is that if you charge £45 to see your G.P. you will cut out a lot of people from going to the G.P. They will simply say: "I cannot afford it." They will put off being ill until they are seriously ill and they cost us 10 times the amount that they might have done had they turned up and received some early intervention, early diagnosis, that would save us money in the long run. Bear in mind that unless we do that the new care model will not work. We will be heavily dependent still on the hospital, which will be bigger than necessary, in order to cope through secondary care what should be delivered in primary care. That fundamental issue will not go away unless we get people coming to the G.P. and associated professionals, by all means, we are not just talking about G.P.s; unless we do that we are doomed to fail in an attempt to deliver good and competent healthcare to all. That is essential in what we decide today. The fact is that the inclusion of children in free healthcare does not preclude any other group receiving due attention. If we are to do the job properly and look at all 3 types of vulnerability then it may well cost more and we will need a new financial model to deliver it. I am looking forward to seeing that work presented to us come September, end of quarter 3, ready to be put into place by January, including vulnerable groups. Naming them, as we have done today, is not going to stop that.

The Deputy Bailiff:

Deputy Labey, do you have a proposal to make?

Deputy R. Labey:

I think we can fit in the Deputy of St. Martin who is next on the list, and then I think we should adjourn.

2.1.16 The Deputy of St. Martin:

I will try to be brief. I have not got much of a speech of length and I suspect not in quality because it is a bit of a scrawl but I will attempt to just run through a few points and maybe sum up some of the things we have heard this afternoon. I was taken by the word "strive" when the Attorney General was talking to us and I also wrote down these other points. There is no obligation on us but we should be looking to attain the highest standards of health. I remember the Article that was quoted and the discussion about discrimination about finance should not be brought into that. I noted that the Minister is working on a policy and taking active steps to promote primary healthcare for children.

[17:30]

I quickly Googled or put in “primary healthcare” into my iPad because we need to remember here that primary healthcare is not just physical. It is mental and it is social health as well. So this is a complicated package and a complicated debate and I found it very interesting. I am sure other Members will have been like me, swinging to and fro, because I came to this not quite knowing where I ... I certainly was not committed one side or the other and I was interested to hear. I know only too well that physical health is not the only part of the health package that we offer and that mental and social health now play a vital role. If Members will allow me just for a couple of minutes, I would just like to say Members will know I am a great supporter and crew member of the Royal National Lifeboat Institution, and the R.N.L.I. offer a different system to the French inasmuch as the French system operate a paying system and if you call up a French lifeboat you get sent a bill. The reason the R.N.L.I. have never asked mariners for money is that they have always been very clear that if you delay for those few minutes thinking about the cost of being rescued more often than not those few minutes can make all the difference between getting rescued promptly and not getting rescued at all. The Institution are very clear that delay costs time and time means you head for a crisis. Members will know I have had 4 children of my own, and I do remember when they were all very young and in their early years it almost seemed like we had a standard booking at the doctor every Monday morning for one of them. We had Calpol, if I am allowed to mention a trade name of a drug that is widely used. We almost seemed to have it on tap at some stage. One of our children always had a snuffle or a cold or some reason for needing medical help. Although I do not remember thinking about the cost of the doctors’ visits that we had, it is very clear that in my early days I did not have the money and the available disposable income to use that I might have these days. It was a big issue and children get ill. They cannot help but to get coughs and colds and, if you are very unlucky, other much more serious issues to cope with. We are talking only about 5 months here and I just find myself thinking in the big scheme of things that surely the amount of money cannot be insurmountable. Five months as a child however is quite a long time, quite a percentage of your months if you are talking about their first 5, 6, 7 years. Then I was taken by something, and I cannot remember and I do them a disservice which States Member said it, but I was taken by the fact that over the last months, and especially recently, I have asked and argued for monies to be continued into the very popular and successful co-funded payroll scheme that we introduced for businesses. I have recently made the argument that we have done a good job, we have kept people in jobs, we have kept businesses afloat but please do not chop them off and put them over a cliff because all that good work we will have done will be lost. I am finding myself thinking very much like this again. We have allowed people access to their G.P.s and stuff and all of a sudden we are chopping them off at the edge of a cliff. I think to myself, this £1.8 million that we need can we not take it from some other package. We voted 10s, in fact depending which one you look at, hundreds of millions of pounds to try and come out of this crisis and we are here having a really good and difficult debate over finding what is comparatively, in the big scheme of things, a small amount of money. I cannot offer Members my decision on voting for this debate and I am going to wait to hear a few others. I realise it is complicated. I said that before. It is not just physical, it is mental and social. If the Minister, who I have the utmost respect for, is saying that he is coming back with a package and this is really not what he needs just at this moment in time, I can only agree with him. But I then fall back and say this is not in the great scheme of things a lot of money and we should be looking to help our young people and people who cannot afford to access doctors with their children. It is not easy to say no. Maybe we should be finding the money and I will be listening intently tomorrow to the conclusion of this debate.

Deputy R. Labey:

I propose the adjournment.

The Deputy Bailiff:

Is that seconded? [**Seconded**] Thank you very much. The States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:35]