

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 22nd APRIL 2021

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[9:30]

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

PUBLIC BUSINESS - resumption

Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021) - resumption

The Bailiff:

We resume debate upon P.17 and the next matter for consideration is the adoption of Article 1 unamended. Does any Member wish to speak upon Article 1? Chief Minister, if you are speaking I have to ask you to stop speaking because at the moment I have to say there is an element of amusement in the Chamber because you are sounding something like an inaudible cartoon character and something needs to be done about ... I wonder if it is possible for you to have a different speaker or to use headphones with a boom microphone or something of that ...

Senator J.A.N. Le Fondré:

Is that better?

The Bailiff:

That is much better, thank you, Chief Minister. I am sorry it was really quite a strange sound.

Senator J.A.N. Le Fondré:

Apologies, Sir, it is something that happens on my home system, which I had forgotten about and normally have to log in twice. Because I was puzzled why as I did actually say “present” previously as well.

The Bailiff:

We have noted you now as present and I call upon you to speak.

Senator J.A.N. Le Fondré:

Having had the humour for the morning unfortunately it is a little bit more serious on this front, and it is with regret, I shall not be supporting or voting for this Article. In my view, we do not have or I do not have, the democratic mandate to do that. I do not think what is, in effect, the elimination of the Senators is justified by effectively a few focus groups and other pieces of work that have been done in reference to a poll that was done 8 years ago that basically generated an opinion of around 12 per cent of the electorate and did not achieve more than 50 per cent of those who voted. We translate that into a yes/no referendum, which is what the United Nations, for example, says one should do or rather one should hold it; the result was no, not yes, in favour of the proposed changes. It is a short speech, to really just note it for the record. I do note that this Article only requires a simple majority to pass whereas it is on the Third Reading 25 votes will be needed and, therefore, at this stage it is unlikely that I will be voting for the Third Reading as well. I just wanted to make my position clear.

The Bailiff:

Does any other Member wish to speak on Article 1? No other Member wishes to speak on Article 1, then I close the debate and call upon Deputy Alves to respond.

Deputy C.S. Alves of St. Helier:

A lot has been said yesterday regarding this Article and obviously the amendments. I just wanted to address the Chief Minister’s comments there and say that we were elected to make decisions on behalf of the public. This is what they expect of us. It is because of our inability to be decisive,

which frustrates the public and disengages them even further with the election process. Without wanting to repeat anything more I think I will leave it at that and propose the Articles.

The Bailiff:

I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. Article 1 has been adopted.

POUR: 29		CONTRE: 14		ABSTAIN: 0
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Senator S.C Ferguson		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Connétable of St. Lawrence		
Connétable of St. Peter		Connétable of St. Brelade		
Connétable of St. Ouen		Connétable of Grouville		
Connétable of St. Martin		Connétable of Trinity		
Connétable of St. John		Connétable of St. Mary		
Deputy J.A. Martin (H)		Deputy of Grouville		
Deputy G.P. Southern (H)		Deputy of St. Mary		
Deputy K.C. Lewis (S)		Deputy G.C.U. Guida (L)		
Deputy M.R. Higgins (H)		Deputy of St. Peter		
Deputy S.J. Pinel (C)		Deputy of Trinity		
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We now come to Article 2. Are you propose Article 2, Deputy Alves?

Deputy C.S. Alves:

Article 2 amends the States of Jersey Law 2005 to take into account the decision that we have just made in Article 1. I propose the Article.

The Bailiff:

Is the Article seconded? [**Seconded**] Does any Member wish to speak on Article 2? No Member wishes to speak on Article 2 then I close any debate and ask the Greffier to place a link in the box. I open the voting and ask Members to vote in the normal way.

[9:45]

If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. That Article has been adopted.

POUR: 31		CONTRE: 9		ABSTAIN: 0
Senator T.A. Vallois		Senator L.J. Farnham		
Senator K.L. Moore		Senator S.C Ferguson		
Senator S.W. Pallett		Connétable of St. Lawrence		
Senator S.Y. Mézec		Connétable of Grouville		
Connétable of St. Helier		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Mary		
Connétable of St. Peter		Deputy of Grouville		
Connétable of St. Ouen		Deputy G.C.U. Guida (L)		
Connétable of St. Martin		Deputy of St. Peter		
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Alves, do you propose Article 3?

Deputy C.S. Alves:

Article 3 substitutes Article 5 of the 2005 Law [States of Jersey Law 2005]. The new Article 5 provides that the term of office begins with the day on which the person is elected as Deputy and takes the oath of that office and ends on the day of the next ordinary election or the Deputy's earlier resignation. I propose the Article.

The Bailiff:

Is that seconded? [Seconded]

**Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021):
Amendment (P.17/2021 Amd.)**

The Bailiff:

There is an amendment lodged by Senator Gorst to this Article and I ask the Greffier to read Articles 1 to 3 and 6 and 7 of that amendment.

The Greffier of the States:

Amendment part 1, page 16, Article 3 - In the inserted Article 5, in the words before paragraph (a), for "The term of office of a Deputy" substitute – "The term of office of a Deputy for a constituency". Part 2, page 16, Article 3 – For the inserted Article 5(b)(i) substitute – "(i) the first day on which a Deputy elected for that constituency at the next ordinary election takes the oath of that office, or". Part 3, page 16, Article 3 – After inserted Article 5 insert – "5A Transitional provision for the 2022 ordinary election (1) This Article applies in relation to a person who, immediately before the 2022 ordinary election, holds office as a Deputy for a constituency (a 'pre-2022 constituency'). (2) Where the Deputy's pre-2022 constituency comprises an area within St. Helier, Article 5 has effect in relation to the Deputy as if for subparagraph (b)(i) there were substituted – "(i) the first day on which a Deputy elected for any of the constituencies of St. Helier South, St. Helier Central or St. Helier North at the next ordinary election takes the oath of that office, or". (3) In any other case, Article 5 has effect in relation to the Deputy as if the reference in Article 5(b)(i) to 'that constituency' were a reference to the constituency that includes, or corresponds to, the Deputy's pre-2022 constituency. (4) In paragraph (1), the reference to the 2022 ordinary election is a reference to the election held in accordance with Article 6(1).". Part 6, page 17, Article 7– Delete Article 7, and renumber the subsequent Articles accordingly. Part 7, page 17, Article 7– At the beginning of Part 4 there is inserted – "8 Transitional provision for the 2022 ordinary election after Article 21 of the States of Jersey Law 2005, there is inserted – "21B Transitional provision for the 2022 ordinary election (1) For the purposes of Article 21(3)(b), a 2022 departing Senator is not to be treated as ceasing to be an elected Member until the first day on which a Deputy elected for any constituency at the 2022 ordinary election takes the oath of that office (and the reference in Article 21(1)(b) to an "elected Member" is to be construed accordingly). (2) In this Article – (a) "2022 departing Senator" means a person who, immediately before the 2022 ordinary election – (i) holds office as a Senator; and (ii) holds a Ministerial office (but is not the Chief Minister); and (b) references to the 2022 ordinary election are references to the election held in accordance with Article 6(1).".", and renumber the subsequent Articles accordingly.

Senator I.J. Gorst:

I am grateful to the Greffier for reading out the amendment because what it unfortunately does is sound extremely confusing and I just want to be clear to Members straightaway, this is not yet the amendment that deals with the election day. We will come on to that. This is a technical amendment, as has become apparent from the Greffier's reading out of it. But it is very straightforward. I am grateful to P.P.C. [Privileges and Procedures Committee] for their comments because their comments clearly show that there is a gap in the current legislation and they are proposing to endeavour to perhaps, I think the Chair also indicated in their principle debate yesterday, that they would close some of that gap but she certainly did not indicate that they would close all of that gap and I think

that that is the reason that I brought forward this amendment because there is a gap and that has now been acknowledged by P.P.C. The simple question for Members today is whether they want to close all of that gap or they do want to have a gap in the representation by an Assembly and by Government to Islanders. Because a decision to end a Member's term of office on the day of an election means that there will always be a period, as I have just said, no matter how long or short, and P.P.C. seem to accept this, where Jersey does not have a Parliament and where the public are without representation. I hope that the gap between an election and the swearing in is as short as possible, as P.P.C. have indicated they will bring forward legislation to shorten it, but I do not think that even if it is shortened by a few days it is appropriate. I believe it is an unwise and undesirable development and think it is preferable to retain the status quo. It provides the continuity and a smooth transition and also means that we will not ever be caught out in an emergency situation. If the pandemic has shown us anything emergency situations can arrive in the blink of an eye. I think there is also a slightly more serious position in respect of Ministers. The chair of P.P.C. has said that we can move from an election date to a new Council of Ministers being appointed within 15 days. But what that means in practice is that one single Member will have responsibility for all executive functions for those 15 days. That is providing the States approve what P.P.C. bring forward in due course. To my mind, that is inappropriate. I certainly would not have wanted that when I was sitting in the position of Chief Minister. I am sure that Senator Le Fondré, soon to be Deputy Le Fondré, would not want that either. I do not believe that any argument has been presented by P.P.C. that counters that, simply that in the view of P.P.C. it does not seem to present a problem. Can it really be right that the whole of Government is in the hands of one person for more than a fortnight? I do not think it can. It is simply not practical for the Chief Minister to statically mind each ministerial portfolio even between elections. There are issues that arise, which a Minister needs to be briefed about, directing officials about, correspondence needs to be dealt with, there are meetings to attend, ministerial decisions around ongoing business and orders do from time to time need to be signed. Not on contentious matters but simply on serving the Island and acting in the best interests of Jersey. It is absolutely incumbent on Ministers and those that wield executive power during that period to do so in an apolitical way where possible. But simply saying that we fear that some may abuse that position is not an argument to put that power into the hands of one individual. It is inappropriate and it is impractical. That is why I propose this amendment. I suspect that P.P.C. will argue, as they did in their comments and the Chair did, that they are going to close the gap and therefore we do not need this amendment. The argument I think should be the reverse. We accept this amendment and we hope and support P.P.C. to come forward and close the gap when it comes to States Members representation to only a couple of days; I would welcome that. But we cannot have a position, I do not believe, where there is one individual holding all executive power for the space of a fortnight. We should stick with the status quo and I make the case.

The Bailiff:

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

Deputy K.F. Morel of St. Lawrence:

I just want to say that I fully support Senator Gorst in this amendment. I do not quite understand, in fact I am being incredibly polite, I will put this another way. I think P.P.C. are far overstepping the mark of their mandate at the moment. I do not recall the States Assembly ever giving P.P.C. an instruction to bring forward these changes and, even more importantly, I do not recall P.P.C. holding any consultation with States Members to let them know about these things. Of course I may have missed that consultation but that in itself would suggest that if there was a consultation and I missed it, that it was not particularly well-publicised and only took place once. I think P.P.C. needs to have a strong look at themselves here. They have no mandate for this. They have not consulted properly on this and I completely endorse, as the Senator just said, leaving all executive powers in the hands of one person, no matter what length of time, on the promise that P.P.C. will bring forward some

legislation in the future, we did not ask them to bring forward this legislation in the first place. I have to wonder what P.P.C. are doing and I would have expected them to have explained themselves in a series of meetings to States Members so we could have understood why they are doing this and perhaps try to bring us onboard rather than throwing this at us through the Assembly. So, no, I cannot support P.P.C. in this. I think they really need to think hard about their mandate and what they are doing and why they are doing some things. I think P.P.C. should in fact accept this amendment and just say no, if they are to change such fundamental things such as who holds power in Jersey no matter for how short a length of time, then they really need to get all the States Members on board first before lodging these propositions. I will certainly support this amendment.

Deputy C.S. Alves:

P.P.C. opposes this amendment and I would urge Members to do the same. Senator Gorst argues that Jersey would be left without governance if P.P.C.'s proposals that all Members cease to hold office on election day are adopted. P.P.C. does not consider it to be appropriate for outgoing Members to maintain their positions until the swearing in of elected or re-elected Members. In the second tranche of legislative amendments due to come forward for debate before the summer recess, P.P.C. will be bringing forward changes so that the newly-elected Members take their oath as soon as practicable after the election to ensure that Members leaving the Assembly do not retain powers once the electorate have chosen others to take their place. There is currently scope for the outgoing Chief Minister to remain in an oversight role during the intervening period between the election and the appointment of the new Council of Ministers and P.P.C. considers that this adequately addresses any concerns raised regarding the resolution of issues, which may arise during this short period.

[10:00]

To pick up on Deputy Morel's point, P.P.C. is responsible for the oversight of the States of Jersey Law, Public Elections Law and Standing Orders; it very much does have the remit. P.P.C. was asked to do this as part of its response to the E.O.M. (Election Observation Missions) and review of the Public Elections Law and processes. The second tranche also contains changes to the States of Jersey Law, which will reduce the time period between the election of the Chief Minister and the appointment of the Council of Ministers after the election, which will also address the concerns raised by Senator Gorst about political oversight and the burden on the interim Chief Minister. We do not see how it can be democratic for someone who is not re-elected, either because they retire from the States or lose their seat, to retain their ministerial post and ministerial powers until a new Assembly is constituted upon the new Members taking their oath of office. Furthermore, how can it be deemed appropriate for those same unelected people to remain in place until the new Council is appointed? I urge Members to reject this amendment.

Deputy J.H. Young of St. Brelade:

Obviously this is a very complicated piece of legislation and a very important one. I certainly came into the Assembly today with the mindset that I would support P.P.C. (Privileges and Procedures Committee) throughout but having listened to Senator Gorst and had the experience of having to do the unbelievably complex volume of paperwork that we seem to have saddled ourselves with in the States, I really think Senator Gorst has raised an important matter here about practicality, as simple as that. Members know my position, that I do have a plan to retire from the States and frankly I do not want to carry any responsibility any more than is necessary, but I want to see the ridiculous delays that we had last time between the elections and the swearing in done away with and down to almost the next day, as far as I am concerned. We promised that, but we do not have it in this law. I do not quite understand why it is not there. What we have got here is an arrangement that I think says: "Well, okay, let us just span the gap until we get that." For example, the notion that a Chief Minister could sign every bit of paper and make a sensible judgment about which is controversial, which is just business as usual, which is just allowing the system to keep going on every single matter is just

delusionary. I do not think it is safe either, frankly, because who knows what is going to happen with that. I think at the moment I am waiting to hear some arguments to persuade me that Senator Gorst is wrong. Of course we want it as democratic as possible but creating a situation where we have got a Government ... I mean, I just ask Members not a day goes past without meetings, paperwork, signing things off and it is 99 per cent routine. That is the situation we have created, I am afraid. I will listen to the arguments before I decide which way to vote but I think I want to hear some good ones as to why the Senator's arguments about sheer practicality are not valid.

Senator J.A.N. Le Fondré:

Deputy Young and Deputy Gorst will be delighted, if not amazed, that I agree 110 per cent with all their comments. I think the definition of "not safe" is an understatement and although the attraction of a benign dictatorship for 3 weeks with the ability to basically deal with every planning decision, for the sake of argument, I am being slightly facetious, any appeals, any applications, any health, social security, education issues let alone everything else including home affairs and the police is scary, I think is the technical description. The practicalities of this really need to be thought through. Unfortunately, as Members know I have got an acting role as another Minister at present and even then there are queries that come in almost daily that we have to deal with. The sheer logistics frankly I think render the proposals by the P.P.C. unworkable. I do urge the Chair of the P.P.C. to please come and talk to some of us early on these proposals. I know we did have a discussion with P.P.C. but we have not gone into any detail on what has been proposed in the second round and certainly the first situation we saw raised concerns also from a democratic perspective and the ability of potentially non-executive Members to essentially overrule previous States decisions simply because they did not agree with them, which would potentially be the alternative. Senator Gorst is proposing the status quo. From memory, having looked at it a few weeks ago, the technicalities on this include the fact that even if a Minister had been re-elected they would no longer be a Minister in that period of time after the election day and quite literally everything would fall on to the Chief Minister. I do not think that is a healthy position. Although the status quo has its problems what has been proposed is far worse. I do agree with Senator Gorst it is far better to maintain the status quo and let us see what the proposals are that come from the P.P.C. and assess if they are workable. On that basis I do urge Members to support the proposals from Senator Gorst in this instance and on that basis I will certainly be supporting this amendment. Thank you.

Deputy K.C. Lewis of St. Saviour:

I will be supporting this amendment. From my own point of view as Minister for Infrastructure the workload is huge, upwards of 80 emails a day, much paperwork to be signed off, not all crucial stuff but it would be completely unrealistic to put this on to the Chief Minister for 15 days on his own. If other Ministers have a similar workload to mine, which I think they do, then I say it is completely unrealistic, so I will be supporting this amendment.

Connétable D.W. Mezbourian of St. Lawrence:

Just to also add my support to this amendment. It is clearly unreasonable to expect one person to shoulder the burden of all the decisions that would need to be made during the time between the election and the date of the swearing in of the new Members and indeed the new Ministers. At this stage I would also like to invite the Chair of P.P.C. to have early discussions with the Comité des Connétables regarding the second tranche of the proposed amendments that they intend to bring forward, with particular reference to the Public Elections (Jersey) Law which clearly impacts very much on the administrative side of the parish work. I was intending to speak to that at a later part of the debate, but it seems timely to do so now. It is just an invitation to the Chair of P.P.C. to contact the Comité earlier rather than later when they are looking at the changes to the Public Elections (Jersey) Law.

Deputy R.J. Renouf of St. Ouen:

I believe it is wholly impractical for the Chief Minister to exercise the responsibilities across all ministerial portfolios even on a standing basis for a fortnight or so. I just cannot imagine that being a realistic scenario and I am thinking of one instance that occurs in the health portfolio that under the Mental Health (Jersey) Law the Minister for Health and Social Services has to give authority for specialist treatment to be given to patients outside of the Island and I believe the Minister for Children and Education may have similar duties under his or her remit. When that sort of application comes forward it is not regular and it may not happen between an election and swearing in, but it just might. Lengthy well-considered reports come in. There is a lot of detail to absorb and it is a really difficult decision to make. You are sending somebody off-Island in a distressed state away from all their local family and connections and there are arguments for and against. For the people who have prepared those reports for the Minister to consider it would be a discourtesy to just treat that in a rapid way and sign it off without a great deal of thought and we do not do that, of course. I do fear that a Chief Minister with 12 piles of all sorts of other ministerial matters on his desk would just not have the capacity to deal with the sorts of things that are required like that and could not devote the time to that sort of consideration. That is one instance; that is perhaps at one extreme end and there will be a lot of routine matters that it would not matter, perhaps, if they were not dealt with in the fortnight, but there are risks in this and risks that would mean that we are not governed well because it all falls on one person who is put under ridiculous pressure to carry out work that is shared between the ministerial portfolios we have. I would support this amendment as being the most practical and realistic and for the sake of good governance.

Senator T.A. Vallois:

I am going to speak very briefly. I am not particularly happy with either suggestion and I am going to explain briefly why. I think the most important determination that the Assembly could make around what happens during the purdah next year and the incoming of the new Assembly is the materiality of the types of decisions that are made with regards to what happens during that period and the types of decisions that are made. The reason why I state that is because one particular decision that has had a material effect particularly on this Assembly was a decision made by the Chair of S.E.B. (States Employment Board) on the type of operating model on 8th May, while everyone else was going through election. I believe this has materially affected the working of not just Government but the Assembly as well and I think personally the Government need to be considering and planning very carefully now for purdah next year and what those decisions may look like. I recognise that the role of a Minister and the types of decisions that have to be made are far-reaching and very wide, but I think in order to be very transparent and very clear about what those decisions may or may not look like it would be appropriate for us to understand that sooner rather than later.

Deputy R. Labey of St. Helier:

If I could just say to Deputy Morel that this part of what P.P.C. are bringing forward is a response to P.88 that we debated very soon after the 2018 election, when tempers were running high because of activity, Government activity, during the election and I recall the same in the 2014 election. So Members wanted to put a stop to this and voted unanimously with Deputy Maçon asking the P.P.C. to come back with plans for a proroguing. If I just go through the terms very quickly, “purdah” is not a term we should use. It has unfortunate connotations. In some cultures a purdah is a curtain that divides men and women, and it is a Westminster term, which does not really work with our system. Proroguing is the same. It is a Westminster term and we do not have the same sort of thing at all, so we were looking at a system for Jersey that puts the Parliament in a state of dormancy, if you like, during the elections until the next Government take over. Our suggestion I think was to say that the States were *au repos*. “Dormant” is another word but we thought *au repos* might work for our purposes. It is to change the culture. Historically of course since 1948 the States has not dissolved, because you had the rolling elections of the Senators, so there were always officeholders in office and 2 elections of course for Deputies and Senators and of course the Constables were elected

whenever their terms of office ended. With the general election all of that changed, but plans were not put in place to have a period of dormancy and so Deputy Maçon got a lot of support, unanimous support, asking P.P.C. to come back with plans for a Jersey dormancy of its Parliament and dissolving its Parliament.

[10:15]

We did go to the Council of Ministers with this. I know that the Chief Minister wanted more discussion. Again, the Law Officers were insistent that we put this in place now as part of this tranche, which was not our plans. That is okay; we can deal with that. I have to say that Senator Gorst's argument and those of the Minister is reasonable but I just wanted to explain the perspective that we are trying to change the culture to demonstrate to the public that one Parliament has finished and there is an election and then a new Parliament takes over and also not to disgruntle Members with Ministers announcing new policy initiatives during the election or indeed, as has happened, during the period after the election and before the next one. Now, I remember myself and this is not meant in any form as a criticism of the Deputy of St. Martin when he was Minister for Planning but I think he might have thought this was going to be uncontentious but he released the terms of reference for the next hospital inquiry the day after the election. He was desperate to do it; he was up against time but it was me who thought: "No, no, these are wrong. I am going to have to bring something." That is just one example of something that happened during that period, which probably should not have. It is not a criticism of the Deputy of St. Martin. He was not to know that I was going to take such offence to those terms of reference and seek to get them changed, which is what I did. That is a very mild example but it is just one of my own from my personal experience. Initially we were very gung-ho about this because the States Assembly seemed to be very strong in wanting us to take drastic action and we went on to say perhaps Ministers should not be able to sign off from the moment the election happens and that was watered down after comments from the Council of Ministers and then just this period was identified for the change. What we have done is to say to beef up the code of conduct for Ministers that during an election it is inappropriate and as it goes against the code, if they are announcing new policy initiatives during an election, they really must only concentrate on the mundane and the routine or absolute emergencies and we have seen how quickly the States can respond to emergencies. All of that said, I think we have learnt a lot in this debate already. I do take the points of Senator Gorst and the Ministers. I do not think P.P.C., I have not consulted the Chair, but I would not be upset if we accepted this amendment and went back and said perhaps the beefing up of the code of conduct will suffice for that period. I just want to explain the rationale and say to Members that we were trying our best to respond to the very clear message that was given to us with P.88 way back after the elections in 2018.

Deputy G.P. Southern of St. Helier:

While I started this debate with the wish to support P.P.C. throughout all of its decisions I fear that we have come to a position where P.P.C. has not proven its position to accommodate the wishes that they saw and we saw in terms of the ability of Ministers to act. It seems to me that what we have got is the movers of this amendment are challenging P.P.C. to prove their case and what we have got is the Scottish case of not proven, I think. I have not heard an argument from either of the speakers on behalf of P.P.C. that says: "Yes, we have got it nailed. Do not worry about it." It is either: "No, we will come back to you with some fresh moves later but for the moment we have got a bit of a fudge where we hope that people will behave properly" and expecting people to behave properly, especially politicians, I think is a difficult ask. I do not think we should be put in that position and I am tempted to support the amendment.

The Bailiff:

Does any other Member wish to speak on the amendment? Deputy Higgins.

Deputy M.R. Higgins of St. Helier:

Like Deputy Southern and a few others who have spoken I was intending to support P.P.C. throughout. On this one, I can see the arguments on both sides and the point I would like to make is I do not think it is appropriate, for example, for Ministers for Planning to be approving a planning application or deciding whether or not enforcement action should be taken or not, and there are probably examples across the piece, basically, that there are certain actions that are appropriate. As Deputy Young mentioned I think it was there are a lot of mundane type of things that can be dealt with, but anything that could have long-lasting implications, for example granting of planning permission which if then the Minister who came in wanted to revoke because they did not think it was the right decision, those types of decisions should not be made. They leave the States open to law suits and actions. There is an argument here for the P.P.C. case but equally I accept that it is again putting too much weight on the Chief Minister, and I can accept that. What I would suggest is that P.P.C. accepts the amendment in this particular case but come back very quickly and if they can modify the second tranche. I think we have to give priority to legislative law drafting and to make sure we can get all these changes through the Privy Council and there are some others that I think are not covered in this first and second tranche. We need to ensure that we give sufficient priority to law drafting and to getting it through to the Privy Council in time for the next election, so this particular matter can be dealt with I think by P.P.C. very quickly to address the concerns that have been made.

Senator S.Y. Mézec:

I think what Deputy Higgins has suggested may well be a sensible way forward on this but I wanted to speak to make the point that there is simply no perfect solution to this. It is not right that people continue to wield any sort of executive power after their term of office has expired and it is also not a great position to be in where urgent action could need to be taken in that awkward period between an election being called and new Members being sworn in. It should be the case that we ought to have really decent purdah rules in place so that Government departments are in essentially caretaker mode and are not bringing items to Ministers to approve or otherwise that might be considered democratically problematic. That is a normal situation in many other jurisdictions. I know the U.K. (United Kingdom) is not a great example to copy but it is the case in their system that M.P.s (Members of Parliament) lose their office when the election is called, not even on election day itself like P.P.C. is suggesting for us. I will continue to support P.P.C. on this. I do not think it is right that Members hold any sort of executive authority after an election has expired, but it is clear that either supporting this or not supporting this is not a perfect solution to it and it is something that is going to have to be thought about in future and come back to the Assembly so that we get the best democratic outcome. What Senator Gorst is suggesting is far from perfect, although many have said that P.P.C.'s is far from perfect as well, and that is probably a fair perspective.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the amendment?

Deputy C.S. Alves:

Can I just jump in there, Sir and just say that ...

The Bailiff:

No, I am afraid, Deputy Alves, you have already spoken.

Deputy C.S. Alves:

Well, it was just to say that ...

The Bailiff:

No, no, I am sorry. There is no "No". I suppose the point has been made, if you were to be accepting the amendment that might be a point but in other respects it would not be possible to have a second speech.

Deputy C.S. Alves:

That is what I wanted to say, Sir, that on listening to Members that P.P.C. is willing to accept the amendment and come back to the Assembly and consult with the Assembly as well. Thank you, Sir.

The Bailiff:

Thank you very much, Deputy. That was a perfectly proper intervention and I am sorry that I cut you a little short without finding out exactly what it was about. The next listener to speak is Senator Moore. It is still a matter for the Assembly as to whether the amendment is voted on. The fact that P.P.C. now accept it does not mean that Members do not vote.

Deputy C.S. Alves:

Thank you, Sir.

The Bailiff:

Senator Moore?

Senator K.L. Moore:

I am grateful to the Chair of P.P.C. for that comment and direction, which is really helpful. Like many speakers I find this an uncomfortable discussion with neither option being an ideal scenario. When I saw Senator Mézec rise to speak I thought he might be thinking what I had been thinking, which was as Members and as Islanders it is perhaps to us to try to offer an alternative solution that hastens the move from one Government to another during an election period. As Deputy Labey rightly pointed out perhaps some greater rules need to be put into place on this matter, but also and equally if elections are run with properly costed manifestos and clarity about the options politically that are available to Islanders then there will be a swifter process to select perhaps the next leader of the Government and to show the Assembly the political intentions of Islanders. It has for some time been a consideration of mine to elaborate or return to what was previously Deputy Labey's proposition with regards a poll on the position of Chief Minister. I think having listened to this debate I feel even more strongly today that I will bring that proposition. Perhaps now that we have seen and agreed on the demise of the Senator there could be an Island-wide opportunity for the people to express their preference as to who the next Chief Minister would be. That in effect could also assist with this thorny matter as it would reduce the time period that it takes this Assembly to select its Chief Minister and make progress towards forming a Government.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon Senator Gorst to respond.

Senator I.J. Gorst:

I thank everyone who has spoken. I am particularly grateful to P.P.C. members and the Chair for agreeing to accept the amendment. I think a number of speakers rightly picked up on what is an important issue, and I know that P.P.C. will duly consider it. That is the strengthening of the controls on the power of any member of the executive during this period, so that it is absolutely clear crisis decisions of course can be made but only the mundane can be undertaken. I think it was Senator Vallois who first raised that issue and then others have picked up on it. They are absolutely correct. I do think that this amendment is the right approach from a legislative perspective but that other piece of work is just as important, if not more important. Therefore, I maintain the amendment. I am grateful to P.P.C. and I call for the appel.

The Bailiff:

Thank you very much indeed, Senator. I ask the Greffier to place a voting link into the chat. The vote is on parts 1, 2 and 3 and 6 and 7 of the amendment. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		

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

We now then, having dealt with the amendment, return to any debate on Article 3 as amended. Does any Member wish to speak on Article 3 as amended? No Member wishes to speak on Article 3 as amended? Then the debate on that Article is closed and I ask the Greffier to put a voting link into the chat in the normal way. I open the voting and ask Members to vote. If Members have had the opportunity to vote I ask the Greffier to close the voting. The Article has been adopted as amended.

POUR: 42	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Lawrence	
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		

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

The Greffier of the States:

The Member who voted contre was the Constable of St. Lawrence.

The Bailiff:

Very well. Do you now propose Article 4, Deputy Alves?

Deputy C.S. Alves:

Yes, please, Sir. Article 4 substitutes Article 6 of the 2005 Law. The new Article 6 provides that the next ordinary election for Deputies will take place on 22nd June 2022 and that subsequent ordinary elections will take place every 4 years. The new Article 6(3) provides that the States may by Act appoint the day in an election year on which the election is to be held. I propose the Article.

The Bailiff:

Is the Article seconded? **[Seconded]** Then the amendment to the Article proposed by Senator Gorst, parts 4, 5, 8 and 9 of the amendment as well as Article 6 and 9 I think and I ask the Greffier to read those parts of the amendment.

The Greffier of the States:

Part 4 of the amendment, page 16, Article 4 – In the inserted Article 6(1), for “22nd June 2022” substitute “18th May 2022”. Part 5, page 16, Article 6 – In the inserted Article 2(1), for “22nd June 2022” substitute “18th May 2022”. Part 8, page 17, Article 9(2) – In Article 9(2) for “22nd June 2022” substitute “18th May 2022”. Part 9, page 17, Article 9(3) – In Article 9(3), for “22nd December 2021” substitute “18th November 2021”.

The Bailiff:

Very well. Senator Gorst?

Senator I.J. Gorst:

It is a well-known adage that one should never go to court on a matter or a point of principle. Of course, that is not and should not be an adage for coming to a parliamentary legislative Assembly. If one feels strongly about a matter of principle I think it is appropriate to have that debate and have it voted upon and I have got to say that I am grateful to the Chair of P.P.C. in her comments. I am not sure whether it was on the principles yesterday or whether it was on the debate of the first amendment or the second amendment to the amendment to the second amendment, should I say, where we got slightly sidetracked on to this particular amendment. That was that P.P.C. will be able to run the election and support those who run the election on whichever date should be agreed. For me, it is undemocratic for a Parliament to extend its own life a year before it is due to end for simple

administrative reasons. It may be of course that we get to next year and all of us hope that this is not the case and all of the work that the entire Assembly is doing is trying to ensure this is not the case, it may be, that the pandemic does flare up again and the election day needs to be moved. As we have seen Guernsey and I think the Isle of Man are considering it and other places around the globe have done so, because that is an emergency. What is being proposed here by P.P.C. and unfortunately it has got wide support for administrative reasons, and the main reasons that I have heard is that some Members would like to sit on the stage on Liberation Day, and I do not pass any comment on that. Others felt uncomfortable on the parade on Liberation Day and felt that it gave an unfair advantage to those who were standing in the election. Others want to be able to do more work and therefore have an extra month to be able to complete the work that they are trying to do and deliver. They are not, in my mind, sufficient grounds to extend the term of a Parliament. I know that P.P.C. have argued in their comments that this is not the case, but I believe that the electorate when they voted for this Assembly back in May 2018 would expect there to be an election in May 2021, and not for us to simply say: "Well, we think it is a bit inconvenient for these administrative reasons and therefore we are going to extend our own parliamentary life." It does not follow best practice and I do not agree with it. I know reference has been made to Deputy Maçon's P.88, where propositions cannot be lodged rightly for a number of weeks prior to nomination meeting and the States cannot sit for a week prior to a nomination meeting. That is absolutely right. The States were right to agree that, but we have known that since some point in 2018 so that is not an argument for us now to extend the life of this Assembly. If we revert back to the issue of States Members' participation in our national day, surely the provisions that we put in place where those Members standing in the election were moved off the platform and took a lower profile part in those events is far better than every States Member being able to use Liberation Day as the start of their election campaign. For me, it is a matter of principle. There is no good overriding reason why we should extend our term of office in this manner. Of course I leave it to Scrutiny to talk about all of the issues that it then presents around their work and I know that most Ministers are supporting a June election day, but the difficulty it presents for an incoming Government where the Government are only formed before the summer recess was trying enough last time around when the election day was in May. I have not heard any credible argument for why we should do what is being proposed by P.P.C. Therefore I maintain this amendment. Thank you.

The Bailiff:

Thank you very much, Senator. Is the amendment seconded? **[Seconded]**. Does any Member wish to speak on the amendment? Deputy Alves, I think I note that you wish to speak, or was that on a different matter?

Deputy C.S. Alves:

Yes, please, Sir. Senator Gorst considers it to be a dangerous precedent and not good for democracy for a Parliament to decide one year before an election to extend its own term of office for one month for what appears to be minor administrative reasons. Although the meeting dates for 2022 have yet to be fixed and are subject to the outcome of the review of the 3-weekly cycle trial P.P.C. envisioned that the last full meeting of the States Assembly will be held before Liberation Day during the week commencing 25th April 2022 and the nominations process will commence from 10th May. The Assembly will therefore adjourn during the week commencing 25th April and not meet again until after the elections in late June. We do not believe that this extends the period of office beyond that which the public believed it was voting for in 2018. The term of office was for 4 years until the next election and the current States of Jersey law Article 6(3) provides for the Assembly to alter by regulation the period within which ordinary elections must be held, both as to the duration and the day they begin. It is therefore a matter for this Assembly whether the short extension proposed is acceptable. Senator Gorst asserts that under P.P.C. proposals Liberation Day would risk becoming the campaign launch for all Members seeking re-election in June. P.P.C. sees this as quite the reverse.

Liberation Day would signal the end of the tenure for Members and allow a respectable gap between such a public event and the nomination announcements, rather than being central to the election period as at last. My committee does agree with one of the sentiments expressed by Senator Gorst, namely that the dates of future elections should be proposed as early as possible. In the next tranche of legislation that is exactly what is being proposed. I would also like to raise a couple of things that I mentioned previously in other debates, that this is not just about how we come across on Liberation Day, on our national day. It is also about voter accessibility. As I mentioned before the younger demographic were disenfranchised by having the election date in May, which happened to coincide with their G.C.S.E.s (General Certificate of Secondary Education) and A-levels but it is not just the younger people who are at school here but also the students who are in the U.K. who are more likely to be back on the Island for the June date. I urge Members to reject this amendment, however if Members do decide to accept this amendment we are completely prepared to go with the will of the Assembly and respect that.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the amendment?

[10:15]

Deputy R.J. Ward of St. Helier:

I speak because I think there is a really important point which perhaps is a little underestimated here. Perhaps it is not, I do not know. Maybe we will see what Members think. This is an interesting part of this debate because so far we have been through such wide-ranging change and I really hope that we can see this over the line. In this small part of this I think there is a very important point to be made. First, when we were elected in May 2018 I think it was there was such a delay before we were sworn in and that time seemed to be a very strange time indeed. In looking at this change I think the key to this is being sworn in and taking up our roles very quickly after the election. The time span of one extra month would really not be as significant as perhaps it appears on paper. We were elected in May and really did not get on with anything until June anyway, which troubled me enormously. The other really important element here is that in Jersey we have some remarkably good parts to our democracy. One is that we can bring propositions to the Assembly and I have said that on many occasions and I think it is really important. The other one is that our voting age is 16; 16 year-olds can vote in Jersey and we must engage young people. We must make every single effort we can to engage young people in our democracy, in voting, in knowing about our processes and valuing the elections as they arise. There is no point us paying lip service in allowing 16 year-olds to vote and then not taking actions that will show every encouragement possible to get them to vote. I think we could be using this change to emphasise to young people that: "The Assembly has decided that we will move the election to 22nd June 2022 and one of the significant reasons for that is to encourage you as a young person to engage in politics and to vote." That I think is a really important and key part to this, because people always say that young people are the future of the Island et cetera, but then we must take action to encourage that. That I think is a very important point and must be considered in this debate. To me it is not the most important part of these Articles, it is not the most important part of these regulations, but it is a key point that I hope people can consider in that way. I think the law is there. In terms of points of principle I understand where Senator Gorst seems to be coming from, but I think the principle is in law that there is an ability to do this so I do not see that as a major problem. All of us want to do the best we possibly can. I think the separation from Liberation Day is important because it gives a clearer playing field for those who want to stand for election for the first time and we do need to encourage that competition for places in this Assembly because it will improve and increase the participation of not just voters but the entire Island. With those points made I hope people will consider this change and reject the amendment and support the main Article in the long-term.

Senator K.L. Moore:

As we rehearsed yesterday during the debate on the principles there is an issue of discomfort for Scrutiny in relation to the impact this may have on the business of both the executive and the non-executive as a new Government is installed following an election. We were grateful for the apologies received from P.P.C. and we know that Deputy Le Hegarat is the Scrutiny Liaison Committee's link person to P.P.C. and of course she has taken part in the discussions around that table, but we did feel that this is an important point upon which we should challenge, and I share Senator Gorst's concerns about the feeling of discomfort that it causes that we might be trying to extend the period of office for this Assembly. Other speakers are absolutely correct, though, that we must focus on shortening that time period of transition and Liberation Day being one of those points. It is really natural that Members will want to celebrate Liberation Day next year. It is fundamentally important and it will be celebrating 3 years in one, and particularly reflecting back on what should have been our celebrations for the 75th last year, which of course is going to be delayed until next year now. That being said, there are many ways that we as Islanders and as States Members will be able to celebrate and acknowledge Liberation Day without perhaps taking a formal part in those celebrations in Liberation Square and perhaps even not in the parade if we are campaigning. I think that is a really important question that Members have to ask themselves and we can address in very simple fashion. To change the date of an election for that reason is simply uncomfortable. I think as Deputy Alves said the matter of children and young people being able to vote is a thornier one and I absolutely accept the rationale of P.P.C. in that regard. It is I think the only matter that causes me to reflect upon this amendment, otherwise I would be giving it my wholehearted and full support without question. Once again there are always work-arounds and ways that we can deal with that and personally I would have preferred P.P.C. to have brought the elections forward rather than putting them back. I think that is the fundamental point that Senator Gorst is making and I support him in his endeavours to do so.

Senator S.Y. Mézec:

I have stood for election 4 times now. The first campaign was in January and February. The second time the campaign was at the end of September, beginning of October. The third time was in August and the fourth time the campaign was in April-May and I can tell you that by a long shot the best of those campaigns was definitely the one in the April and May because the weather was better. You have a much better opportunity to get out there; the sun did not set so early in the evening and when you are out canvassing people do not like having their door knocked on when it is getting dark. It is as simple as that. Having an election at around that time of year I think is best. Having it set back a further month to June is something that I do support and I feel that I can support it on democratic grounds because I do not think it is enhancing the power of this Assembly because earlier on in this term of office we agreed for stricter purdah rules that will give us a period of time where we are essentially a lame duck Assembly, unable to bring things forward in that end part of the term that previous Assemblies have been able to do, and which the public may well have thought we had the right to do at the time they elected us. In reality we are not really extending our term of office because of those tougher purdah rules that will be in place. I think having an election in June will be better to engage with young people who will mostly have had their exams over and done with and out the way, which is a good thing. It will be better weather, marginally, compared to May but that will be a good thing as well to make it easier for people to get out there and canvass and engage with voters, and it avoids that awkward clash at Liberation Day, which can round off this term for the elected Members in a dignified way, which has got to be a good thing. I think there is a good reason to have an election in June and I do not think it is as democratically problematic as some Members have suggested. That being said, it is not the end of the world if we do end up going for May because that is what we thought would be the case when we signed up to stand as States Members. I do not think we need to make too much of a big deal out of this. I would simply say to Members that I think a

June election will be a nicer experience both for candidates and for voters and make for a better election, and that has got to be a good thing.

Deputy S.G. Luce of St. Martin:

I am going to support the Senator, Senator Gorst, wholeheartedly on this and that is for one main reason. Irrespective of some good reasons we have heard for maybe pushing the election back to June it is fundamentally wrong for a Government to extend their period in office and I think we need to get to the next election as quickly as we can. It may well be right, as I have just said, to extend to June, but if it is correct it should be for us to say that the next Government, the next States sitting Assembly, will run until June than to extend our own term in office. As we all know we can say what we like about campaigning and whether we are after the nomination meeting or not, but many of us will know that campaigning will have started well before that date. Liberation Day is an interesting point to discuss but I have to say to Members, some of those who say they are uncomfortable on the stage during an election year, that I feel uncomfortable on the stage every year at Liberation. I am very happy to sit in the States Assembly on Liberation Day and to listen to the speeches from parts of the Assembly. I am very happy to be a States Member on Liberation Day, but for me when we get to the outdoor service I think it is for the leaders of the Island to take part. I want to be a member of the community, an Islander, a Jerseyman sitting with other Islanders and I do feel somewhat uncomfortable on Liberation Day sitting on the stage, but that is not a reason for this. I think Senator Gorst has got this right. I think it is fundamentally wrong to extend the election out to June and despite some good reasons for maybe doing that it is not for us to do it for ourselves. If there are good reasons it is for us to do it for the next States Assembly.

Deputy G.P. Southern of St. Helier:

I will be brief. That was interesting to hear that Senator Gorst had found a principle, but it turns out that the principle is one largely about administration, which is no surprise at all. Here we are talking about an issue that has been decided quite some time ago, by us, that we were going to go for spring-summer elections and here we have a decision to be made. It does not really matter in any heavyweight way whether we go for a June election or a May election. I am easy either way. On balance of argument especially around trying to encourage our young people to vote I think it is absolutely critical if we are going to live in a democracy, 10, 20, 30, 40, 50 years on from now if we lose the habit of voting we will not be in a democracy. Having said that I think I am generally in favour of the June election. I do not think it makes a great deal of difference. The sooner we can get to vote on this the sooner we will know what everybody's preference is.

Deputy J.H. Young:

I have listened to the arguments carefully and I am going to be supporting the P.P.C. amendment. I do not think this is a case of an abuse of principle. I think it is about recognising practicalities. The arrangement being proposed per P.P.C. is very clear cut, that the whistle will be blown for the starting gun or the starting gun will be fired for the election on 10th May, the day after Liberation Day celebrations and that will mean the States adjourning on 25th April and I think 10th May means that nominations open. I am very much hoping as I spoke yesterday that the P.P.C. in their second tranche of administrative changes on election law set out the timescale, a common timetable for the nominations under a new system that will improve upon the farce of these various meetings that go on on different dates for nomination and the way that the game gets played. This will be much better, I am hopeful. That means that I think it will encourage and help new people, because we have got a new system here. We will not have Senators, thankfully, hopefully we can confirm that decision today. We have one set of elections with one common nomination date procedure, one common election day and I think there is every chance that we will see a very good field of new candidates. If we were going on the point of principle because we think somehow we are playing foul by bringing it through and putting it in June, 18th May I think is the proposal. That means you are going to have

start the nominations, going to have to be Easter. I do not know, I have not looked at the Easter timescale but it goes slap bang in the middle of the school holidays or whatever it is with exams and so on. What we have with the P.P.C. (Privileges and Procedures Committee) is a very practical way forward and we must have decent purdah rules to make sure that there is no abuse of this, and so I am going to support P.P.C.

Deputy J.A. Martin of St. Helier:

It is a pleasure to follow Deputy Young because it is exactly what I was just doing. Easter next year is late. Easter Monday is 18th April. We do not sit in religious holidays, Good Friday. We do not sit that week and we do not after. When Easter falls that late, the school holidays are normally 2 weeks previous to Easter. I am just putting it out there practically. Can I take Members back to where we were last year? Sorry 4 years ago with next year, it will be 3 years ago this year. We sat until 9.00 p.m. every night right up to nomination of Senators when they had to leave at 6.30 p.m. to run down to the town hall because we had so much important legislation, and that was without COVID. I know my work schedule has been put out. There are things I want to achieve and need to achieve under the Government Plan, under my ministry, and I know other Ministers are the same. I think it is practical. I think we do not have a lot of weeks when we go back after the Christmas break next year and I take the point about Liberation Day, but I am not moving it for Liberation Day. I am moving it so that we can achieve what this Government set out to do. We do not back ourselves up. We have agreed not to sit a week before nomination, from memory, so we will not have that silly game that we are sitting until 9.00 p.m. every night. Practically, I think June works. I know Deputy Young has spoken and we can work with it, but we will have to probably sit Easter week and the week after. We have to put these things out there. Members need notice, people need notice. I know there may be laws that we do not sit then but if you keep moving things, bringing things forward ... I go where Senator Gorst started, if it was an emergency in a COVID situation next year we may be able to move it. We have been through 2 massive emergencies. We are still working through COVID and, as I have said, things have not kept on time. Obviously it is down to the Assembly. June works better, I think, to get this legislation, to have the proper debates that we need to have, leave that behind us and then we have a proper election. It was silly last time. We were elected, we had 2 weeks before we were sworn, and that was not many people doing a lot because you did not really know where you were. I am going to stick with P.P.C. I think they have given it a lot of thought. They have come to the Council of Ministers and for practicality alone, to take on board everything we have already passed about not sitting right up to nomination, we should legitimately ... after the 2 lockdowns and everything that we have had our eye taken off the ball with, we can literally go to the 22nd June election.

Deputy K.F. Morel:

I am flabbergasted, it is the only way I can say it. Here we are again, no consultation, no scrutiny, no buy-in from States Members, no briefing in advance, no opportunity to ask questions in an open forum where one Member's question sparks another question in another Member's mind. It is very different to just asking questions by email beforehand. All of this over one of the most fundamental democratic principles, the length of your term of office. I find it fascinating. We know Reform Jersey is a party that is high in principle, particularly when it comes to matters of democracy. They tell us time and time again. Deputy Ward, one of his favourite sayings, as I have listened to many times in the States, is "it is a matter of principle". This is a matter of principle, the length of time of the term of office, and yet ... and the reason I mention Reform Jersey, and I apologise, it is not a party matter but P.P.C. is led by a member of Reform Jersey. We just heard Senator Mézec speak in favour of the ...

The Bailiff:

Excuse me. Do you have a point of order, Deputy Southern?

Deputy G.P. Southern:

A point of order it may well be, Sir. I object to another Member speaking on behalf of the party or speaking about the party when they do not know what they are talking about.

The Bailiff:

I am sorry, Deputy Southern, that is not a point of order and it is a matter of political observation that may or may not be correct as far as Deputy Morel is concerned. It is not for the Chair. It is a political statement. Deputy Morel.

Deputy K.F. Morel:

The reason I do say it ... and I am not trying to drag that party through the dirt. I am not. What I am trying to say here is that this is a matter of principle and I have heard Senator Mézec, I have heard Deputy Southern, I have heard Deputy Alves say: "Throw away these principles and the length of the term of office for the sake of some practical administration reason."

The Bailiff:

Again, I think now Deputy Ward wishes to make a point of order.

Deputy R.J. Ward:

I am sorry, Sir, whether it is a point of order or point of clarification, where at any point in the speech did we say or any of the Members that are referred to here say: "We want to throw away the points of principle", which is what we have just been semi-quoted as saying?

The Bailiff:

Again, that really is not a point of order. It may be that what Deputy Morel is saying is falling very unwelcome on the ears of other Members but he is entitled to say that. It is not offensive remarks. It is falling within Standing Orders, I am afraid. Please carry on.

Deputy G.P. Southern:

Sir, may I put a query to you?

The Bailiff:

Yes, if it is ...

Deputy G.P. Southern:

Are you sure that what has just been said is not maligning the party?

The Bailiff:

It is not. It is a matter of the Deputy's political observations. It is perfectly legitimate, it seems to me, for a Member to say often that one or another Member wishes to pray in aid points of principle, but there does not appear to be a point of principle being portrayed by them here. It is a legitimate political comment. It may not be welcome, it may or may not be correct, but it is a legitimate comment within the terms of Standing Orders.

Deputy K.F. Morel:

May I continue, Sir?

The Bailiff:

Yes, please do, Deputy Morel?

Deputy K.F. Morel:

Thank you. I apologise to members of Reform Jersey because I am not trying to malign them. I am not. I just find it fascinating that the most fundamental principle of a democracy is the length of term of office and in this situation the length of term of office is being bandied about as just being an administrative practicality. I believe it is a fundamental point of principle. I will move on from that part and say that the reasons we are being told are things such as Liberation Day is in the middle of the election period. To be honest, it is a ridiculous, self-contradictory argument because by starting the election period on 10th May, as has already been mentioned, 9th May is now going to be used for announcing our candidacy, it will be used for glad-handing in the parishes, *et cetera*. It is going to be used for electioneering. This change absolutely fundamentally makes Liberation Day a part of the election process. It is a ridiculous argument to suggest that Liberation Day in the middle of the election period is a problem. But my biggest issue at the practical level is that this change will hobble the incoming Government, whoever they may be. I refer to Deputy Ward's speech just previously where he said we were not sworn in until June. That is correct, we were not. We were sworn in, in this office, at the beginning of June, I believe it was 4th June, it may have been even earlier. We were sworn in on 4th June. We then did not elect the Chief Minister until at least a week later. We then did not elect the Council of Ministers until much later than that and so it was between, I think, 20th and 25th June before we had a Council of Ministers. We will not be starting that process until 22nd June at the very, very earliest, or 23rd June at the very earliest. We will not have a Council of Ministers until the middle of July. As I said yesterday, we will then see officers of the Government, totally understandably, well deserving of their holiday in August, but we will also see Ministers, new Members of the Assembly all going on holiday. We will have a Government that is fundamentally unable to operate until September because of this change to the election date in June. It is not a practical improvement; it is a practical destruction of the first 2 or 3 months of a new Government's life and a new Assembly's life. I find it astounding that people are so willing again to accept a change being proposed by P.P.C. that has had no consultation, has had no scrutiny. I am delighted the Council of Ministers got to speak about this, because none of us did. We know P.P.C. has discussed it, Council of Ministers has discussed it; the other 35 or so of us have not had a change to do so. On top of that, the practical advantages that are being told to us do not exist. We are going to put the Government ... whoever are the Government is going to be faced with arguments come September of: "You have not done anything yet." Well, no, because they have not had a chance, because we moved the election to later so we stopped the Government being able to do anything for the first 2 months of their term of office and the Government will be asked to explain those things because Scrutiny will be saying: "What are the Government doing? The Government have just gone on holiday." Well, it is an entirely predictable reaction to this change of date. So I do ask Members to think very carefully about this. Not only is it practically not an improvement but it is in principle ... and as far as principles are concerned, it is playing with the most fundamental principle of a democracy and that is the length of our terms of office, and it is doing so on no grounds and with no practical advantage and no actual reason. It is also doing so without having had any previous discussion among States Members so that we could come to better understand it. That was the problem with the previous discussion that we just had and it is something that P.P.C. must never ever do again: bring proposals to this Assembly without giving States Members the opportunity to speak in an open forum and to question the proposals openly. I am incredibly disappointed with P.P.C. in the way they have done this and I hope ... and maybe we can make sure, maybe we can bring a proposition to make sure that P.P.C. cannot do this in the future, but it should never happen again. I ask Members to adopt this amendment because it would be wrong to change our length of term of office for all the reasons that I have said.

Senator J.A.N. Le Fondré:

I do understand the frustration of some of the speakers, including Deputy Morel, but I will not be supporting this amendment. As I said in the principles yesterday, I do agree with P.P.C. on this. I think interestingly enough, I would just say as an existing Member in 2018, I know many Members

were very uncomfortable with Liberation Day and the collision with the election period. I think in particular, as has already been expressed, next year - in fact, I think I also expressed it in the principles - is our 77th anniversary. It will be in essence, if you like, the equivalent, if that is possible, of the 75th, that is trying to celebrate it properly. I think for all Members doing it together, not being separated between those who are going to be potentially campaigning, sorry who were campaigning, and those who are standing down and all those types of things I think is wrong. Sorry, I think it would be much better if we are able to deal with that united, dealing with Jersey's special day, our Island day, before worrying about ... without being in the middle of an election period, which is what happened in 2018. I think interestingly enough I was struck ironically by the comments, and I think they were valid, about the issue of children or students in their first elections during G.C.S.E. (General Certificate of Secondary Education) time and things like that and if June makes that easier I think that is also an improvement. Equally, I take the point that it is an extension of the term of office. It is 4 weeks. It is a year before that is taking place and I think it is also, for all the points that have been mentioned previously, that COVID has had a huge impact on the work of this Assembly, let alone of the Government.

[11:15]

By way of an example, I believe Guernsey - albeit they were in the middle of the pandemic and we are not out of the pandemic yet - delayed their elections by a year. We are talking 4 weeks here. Logistically there will be issues next year in 2022 relative to 2018. Those issues exist anyway and, frankly, 4 weeks is not going to make too much of a difference. For all those reasons, I will not be supporting this amendment. I will be supporting P.P.C. on this. I think they have thought it through and this is an attempt to fine tune and learn from the problems that we all encountered in the Liberation Day of 2018 and I think particularly in the 77th anniversary next year, particularly after the pandemic, it is particularly relevant to move the election day so that we can, for example - it is not the only reason, as we have heard - celebrate Liberation 77 together with all of our Islanders.

The Bailiff:

Does any other Member wish to speak on this amendment? If no other Member wishes to speak ... Deputy Higgins.

Deputy M.R. Higgins:

It often appears there is a delay while you are saying: "Is anyone going to speak?" and I always seem to come in at that point. However, I did indicate. It is the system being slow. I did indicate before you actually said it. Anyway, what I would like to just say first, I very much agree with the Chief Minister on this. There are issues that ... sorry, let me go back. I can understand some of the arguments that have been made by both sides. On this particular one, yes, we talk about principles. I have many principles that I stand by and I have always gone through politics as a principled politician. I do not see this, though, necessarily as a point of principle. I can see the arguments of not mixing up Liberation Day with the election. Again, like many others, I felt uncomfortable. I would also say that many of the issues that have been put forward arguing against putting it forward to June I think are wrong. We are going to see a different election this time and I say it because we have now got 2 political parties, possibly a third, possibly a fourth, coming forward in the next election and those parties are going to be arguing from the point of view of a manifesto. They are going to be trying to convince the public whether they should be chosen to lead the Government going forward or not. Unlike previous elections where we have all stood as independents, or largely stood as independents, there are going to be political groupings who have a defined manifesto and no doubt if they are the majority then their members are going to constitute most of the Council of Ministers. I think it is unlikely that any one party will get an overall majority but very quickly there is going to be negotiations going on between those parties to see if they can work with each other to form a government and between them they will be sorting out who the Council of Ministers is going

to be and the policies that they can agree on. So there should not be the delays that we have had in the past while we have to appoint a Council of Ministers and then they have got to come up with a Government Plan and then we have to move forward with the budget that goes with it and so on. Things should be much quicker. Whether the Island will embrace party politics this time, I suspect they will, and I think that there is disillusionment with government generally. The public are sick to death of the lot of us and there will be new people coming forward, there will be new parties coming forward. I think for us to just hang on and say it is going to cause delay to scrutiny, it is going to cause delay to government and so on, I do not think is the case. I think we will be quicker off the starting blocks this time. I will leave it at that.

Connétable M.K. Jackson of St. Brelade:

Just briefly, I would make the point that I have difficulty in understanding why P.P.C. wish to diverge the election from Liberation Day. Liberation Day is a Jersey day. The election day is a Jersey day. I can see nothing but advantage in having the overlap. In truth, States Members will be out and about and I think the major consideration is that the public will be out and about and I can see nothing but advantage. I can see numbers potentially being increased for the election, so why not do it? I think I would back that up by appreciating what other Members have said with regard to either May or June and say that my feeling, having experienced both autumn and spring elections, is that the spring elections have not made any difference at all and in fact I think the numbers have been less than before. So I would ask the P.P.C., once 2022 is out of the way, really to consider going back to an autumn election.

The Bailiff:

Does any other Member wish to speak on this amendment? If no other Member wishes to speak on this amendment, I close the debate and call upon Senator Gorst to respond.

Senator I.J. Gorst:

It has been an interesting debate. Of course we have not completely focused on the election day. We have had some interesting interventions about what the next election might be like and we have some interesting interventions around parties and how they might influence the election and what might happen after the election. Deputy Higgins just commented on that. If that is what he thinks is going to happen, the law needs to be changed around the delivery of the strategic plan or strategic objectives. If that is what P.P.C. is hoping for, we will need to come back and change that item as well. I have, I am afraid, not heard any good argument why the democratic principle of set parliamentary terms should be breached in the way that P.P.C. is suggesting. I have heard lots of administrative arguments about why it does not really matter or it is not really properly a matter of principle or it is not really a breach because of this, that and the other. Let us be clear, unamended this piece of legislation extends the life of this Parliament by one month and rather than dealing with the difficult issue of States Members being on parade on Liberation Day, it actually creates Liberation Day as a platform for all States Members who want to stand in the future election because it quite clearly shows that the day after the elections will be starting. So we already know that electioneering has started now. I am afraid that for my mind that simple administrative problem is worsened not improved, nor am I sure that moving it to June means that all youngsters and young people facing ... I was going to say facing elections. God willing there will be more young people standing for election, but facing exams will be able to vote because we know that exams can continue on into and through June for some. Nor do I think that Easter is the problem that some have suggested and that, of course, is because of Deputy Maçon's P.88 where the States cannot sit a week before nomination night and Government cannot bring forward legislation and propositions for a couple of months before that. So Easter will not be a problem in the way that some have tried to indicate that it would be. For me, Deputy Morel summed up the issue perfectly. He gave an excellent speech. He was absolutely right, no argument has been made for the breaching of the democratic principle that

governments, parliaments, unless in a crisis, should extend their term of office. Therefore, I make the amendment and call for the appel.

Male Speaker:

Sir, if I may, and in the absence of my colleague Deputy Tadier, is “God willing” parliamentary language?

The Bailiff:

In fact you are quite right, Deputy it is not normal parliamentary language and it should not normally, generally speaking, be used in the Assembly. You are quite right to bring that to my attention, that ruling.

Senator I.J. Gorst:

Sir, I am very surprised to hear your ruling in that regard. If that is the case that you consider that term to be unparliamentary, then of course I withdraw it.

The Bailiff:

Thank you very much, Senator. Very well, I ask the Greffier to place a link in the voting box. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and the amendment has been defeated.

POUR: 17	CONTRE: 25	ABSTAIN: 1
Senator I.J. Gorst	Senator L.J. Farnham	Deputy R. Labey (H)
Senator K.L. Moore	Senator S.C Ferguson	
Senator S.W. Pallett	Senator J.A.N. Le Fondré	
Connétable of St. Lawrence	Senator T.A. Vallois	
Connétable of St. Brelade	Senator S.Y. Mézec	
Connétable of Grouville	Connétable of St. Helier	
Connétable of St. Peter	Connétable of Trinity	
Connétable of St. Mary	Connétable of St. Martin	
Connétable of St. Ouen	Deputy J.A. Martin (H)	
Connétable of St. John	Deputy G.P. Southern (H)	
Deputy of St. Martin	Deputy of Grouville	
Deputy of St. Mary	Deputy K.C. Lewis (S)	
Deputy G.J. Truscott (B)	Deputy M.R. Higgins (H)	
Deputy K.F. Morel (L)	Deputy S.J. Pinel (C)	
Deputy S.M. Ahier (H)	Deputy of St. Ouen	
Deputy K.G. Pamplin (S)	Deputy L.M.C. Doublet (S)	
Deputy I. Gardiner (H)	Deputy J.H. Young (B)	
	Deputy L.B.E. Ash (C)	
	Deputy G.C.U. Guida (L)	
	Deputy of St. Peter	
	Deputy of Trinity	
	Deputy of St. John	
	Deputy M.R. Le Hagarat (H)	
	Deputy R.J. Ward (H)	
	Deputy C.S. Alves (H)	

**Draft Constitution of the States and Public Elections (Jersey) Law 202-. (P.17/2021)
(continued)**

The Bailiff:

Very well, Deputy Alves, do you propose Article 4 in its unamended form? I beg your pardon, you have already proposed that. We continue with the debate on Article 4 in its unamended form. Does any Member wish to speak on Article 4? If no Member wishes to speak on Article 4, I close the debate and ask the Greffier to put a link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Article 4 has been adopted.

POUR: 32		CONTRE: 7		ABSTAIN: 0
Senator L.J. Farnham		Senator S.C Ferguson		
Senator J.A.N. Le Fondré		Senator K.L. Moore		
Senator T.A. Vallois		Connétable of St. Lawrence		
Senator S.W. Pallett		Connétable of St. Brelade		
Senator S.Y. Mézec		Connétable of St. Mary		
Connétable of St. Helier		Deputy of St. Martin		
Connétable of Trinity		Deputy of St. Mary		
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy I. Gardiner (H)			
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[11:30]

Deputy Alves, it is possible for you to take Articles 5 and 6 *en bloc* if you wish or you can take them individually. Which would you prefer?

Deputy C.S. Alves:

I would like to take them *en bloc*, please, Sir.

The Bailiff:

Certainly.

Deputy C.S. Alves:

Article 5 amends Article 1 of the Connétables (Jersey) Law 2008 to provide that the term of office as a Connétable begins with the day on which the person elected takes the oath of that office. Article 6 substitutes Article 2 of the 2008 Law. The new Article provides that the next ordinary election for Connétables will take place on 22nd June 2022 and that subsequent ordinary elections will take place every 4 years. The new Article 2(3) provides that the States may by Act appoint the date in an election year on which the election is to be held. I propose the Articles.

The Bailiff:

Are Articles 5 and 6 seconded? **[Seconded]** Does any Member wish to speak on Articles 5 and 6? If no Member wishes to speak on Articles 5 and 6, the debate is closed and I ask the Greffier to put a vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and Articles 5 and 6 have been adopted,

POUR: 36	CONTRE: 3	ABSTAIN: 0
Senator I.J. Gorst	Senator S.C Ferguson	
Senator L.J. Farnham	Connétable of St. Lawrence	
Senator T.A. Vallois	Connétable of Grouville	
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Brelade		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		

Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy R.J. Ward:

Can we have the 3, Sir?

The Bailiff:

Yes, you can have the 3.

The Greffier of the States:

The 3 Members who vote contre were the Constables of St. Lawrence and Grouville and Senator Ferguson.

The Bailiff:

Article 7 has, by reason of the amendments accepted, fallen away and we now would normally come on to Article 8 but there is, I think, the third amendment to be dealt with first, so I ask the Greffier to read the third amendment.

Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021): Third Amendment

The Greffier of the States:

Page 17, Article 7. At the beginning of Part 4 insert: “8. Article 18 (Council of Ministers) of the States of Jersey Law 2005 amended.” (1) In Article 18(2)(e) of the States of Jersey Law 2005 “within 4 months of their appointment under Article 19(7)” is deleted. (2) After Article 18(2) of the States of Jersey Law 2005, there is inserted: “(2A) The Council of Ministers must lodge the statement of their common strategic policy under paragraph (2)(e), (a) no later than the day on which the first government plan is lodged, and (b) within 4 months of their appointment under Article 19(7).” (2B) In paragraph (2A) “first Government Plan” means the first Government Plan (as defined in the Public Finances (Jersey) Law 2019) prepared by the Council of Ministers after their appointment under Article 19(7), and renumber the subsequent Articles accordingly.

Deputy C.S. Alves:

P.P.C.'s amendment 3 addresses an unforeseen impact of P.17, which if adopted unamended would reduce the period of time available in 2022 for the next Council of Ministers to develop, agree and lodge the Common Strategic Policy 2022-26 and the Government Plan 2023-26 from 15 weeks to 10 weeks. This would present a significant challenge for an incoming Council of Ministers. While there is no perfect solution, this amendment, together with an amendment to the Standing Orders, which my committee will lodge separately, seeks to mitigate, so far as is possible, the time lost to the incoming Council of Ministers as a result of the proposed change in election date. This amendment would align the lodging of the Common Strategic Policy and Government Plan by requiring that the Common Strategic Policy must be lodged no later than the day on which the first Government Plan is lodged by an incoming Council of Ministers. This alignment would ensure that the incoming Council of Ministers' visions and priorities, as set out in the Common Strategic Policy, have been expressed before or at the same time as their plan for implementing it, as set out in the Government Plan. The existing requirement that the Common Strategic Policy must be lodged, in any case, within 4 months of the appointment of the Council of Ministers, is retained in order to future proof the States of Jersey Law 2005, giving flexibility to the States Assembly when setting future election dates by ensuring that the Common Strategic Policy is lodged early in its term of office. The effect of the amendment would be that the next Council of Ministers must lodge its Common Strategic Policy at the same time or before its first Government Plan or within 4 months of being appointed to office, whichever is earliest. I maintain the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on this amendment? If no Member wishes to speak on this amendment, the debate is closed and I ask the Greffier to put a vote into the link. I open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 37		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Connétable of St. Lawrence		
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				

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

Deputy Alves, that deals with all of the amendments, so do you wish to propose the remaining Articles and Schedules?

Deputy C.S. Alves:

Yes, please, Sir. Can I propose the rest *en bloc*, please?

The Bailiff:

Indeed.

Deputy C.S. Alves:

Article 8 introduces Schedule 2, which makes minor and consequential amendments. It also includes a power for the States to make further consequential, incidental, supplementary or transitional provision by Regulations. Article 9 specifies the title of the Law and makes provision about commencement. Article 9(2) lists the provisions that will come into force on 22nd June 2022, the day fixed by the Law for the next ordinary election. Article 9(3) lists the provisions that will come into force on 22nd December 2021, after which the existing legislation would not allow for a vacancy in the office of Senator or Deputy to be filled by a by-election. Article 9(4) provides that the other provisions of the Law will come into force 7 days after the Law is registered. Schedule 1 contains the replacement Schedule 1 to the 2005 Law, specifying the Deputies' constituencies. Schedule 2 makes minor and consequential amendments to the Public Elections (Jersey) Law 2002, the 2005 Law, the 2008 Law and other legislation. The amendments to the 2002 Law include inserting a new definition of "electoral district" so as to preserve the current electoral districts within the parishes of St. Saviour and St. Brelade and provide for each parish within a multi-parish constituency to continue to be a separate electoral district for the purposes of that Law. Amendments made by Schedule 2 remove references to Senators and make other changes that are consequential on Parts 1 to 3 of the Law, as well as making other related minor changes to electoral legislation. They also provide for the removal of spent transitional provisions from the 2005 Law and the 2008 Law. I propose the rest of the Articles and Schedules.

The Bailiff:

Are the Articles and Schedules seconded? [**Seconded**]

The Connétable of St. Brelade:

Could I ask the Deputy just to elaborate a bit further on 8(2) which refers to consequential, incidental, supplementary or transitional provisions and as to what in her view those might end up being?

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and call upon Deputy Alves to respond.

Deputy C.S. Alves:

It is standing wording, so there are none that are envisioned at the moment. It is just in case something came up so there would be a power under the law to sort that out. I hope that clarifies things and I call for the *appel*.

The Bailiff:

The *appel* is called for. I ask the Greffier to put a link into the chat and I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Articles and Schedules have been adopted.

POUR: 34		CONTRE: 6		ABSTAIN: 0
Senator I.J. Gorst		Senator L.J. Farnham		
Senator S.C Ferguson		Connétable of St. Lawrence		
Senator T.A. Vallois		Connétable of Grouville		
Senator K.L. Moore		Connétable of St. Mary		
Senator S.W. Pallett		Deputy of Grouville		
Senator S.Y. Mézec		Deputy of St. Peter		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				

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

Do you move the draft Law in Third Reading, Chair of P.P.C.?

[11:45]

Deputy C.S. Alves:

Yes, please, Sir. It has been a very long debate and I want to thank everyone for their participation. There has been much made of the amount of time we have spent as an Assembly over the last 2 decades discussing this. While we have been critical of some of the false starts there have been over the years, I do think it is important that we have dedicated time to this issue because it is so vital to address what is wrong with our current system. After all, we owe it to the people of Jersey who elect us. We have known for a long time that our system is flawed. We have been told that by Clothier 20 years ago and most recently by the E.O.M. (Election Observer Mission) but we have known that all along without needing to be told. We only have to look our low voter turnout numbers and the number of Members elected unopposed to know that this is not what a robust system looks like. We have debated countless versions over the years and seen there is no such thing as a perfect plan. We have arrived at a compromise position and I am very grateful to those Members who have been willing to place their faith in the Committee's proposals. I do believe that we are making positive changes for our Island and for the people we represent. I thank the Members and I propose in Third Reading. Thank you.

The Bailiff:

Is the law seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Deputy Martin.

Deputy J.A Martin of St. Helier:

I will be brief but I would like to thank Deputy Alves for persevering and being a new Chair of P.P.C. (Privileges and Procedures Committee). I know she had been on P.P.C. and I know she has worked with P.P.C. but it is a massive change today that she is just pointed out. I have waited over 20 years, it was my very first big report I read which was the Clothier Report. I took it on holiday with me and I did have a holiday, Deputy Morel, yes. I took it and read it. I just thank her for presenting it and it makes sense and I hope in the Third Reading Members who had their doubts will absolutely get behind P.P.C.s proposal. I know the Deputy is pretty modest as well, but it is Deputy Alves - it has been pronounced in a few different ways in this Assembly - the Deputy has been here 3 years now, it is Deputy Alves. Well done. Thank you.

Senator S.C. Ferguson:

I appreciate the amount of work that has been gone into by P.P.C. and time alone will tell about the efficiency and efficacy of the new arrangements. Frankly, I found the committee system, compared to what we have today, was much more efficient and I have to take my hat off to Guernsey - I do not like doing it often but I do occasionally, who have managed to keep the best of the old system with a new system. So they have Ministers and they have committees. I suppose the committees are

effectively individual departmental scrutiny panels, which is what our committees used to be. I do not know, time alone will tell and I hate to be the death said at the feast, I appreciate the work that has gone into it but I am doubtful anyway. Thank you.

Deputy G.P. Southern:

It is with absolutely great pleasure I congratulate Deputy Alves for bringing this piece of work to the States. I think it represents a new start and I am looking forward under this new way of doing things to a total revival in our democratic system and I hope we see that reflected in turnout and in people's opinions in the years to come. I think it has the basis for covering us for the years to come. I think it will be a vibrant, healthy democracy and after 20 years in the States I am relieved to see it happen.

Deputy J.H. Young:

Yes, again to add my voice to the congratulations and the praise for Deputy Alves. A not long elected Member to take on this major job and to deal with all the complexities of law and so on, and to pilot through what is probably the most progressive and major reform that has happened for decades. Hopefully we will go ahead and give this its Third Reading and enact this into law and I shall certainly ... when I look back when I was a Member before in ...

The Bailiff:

You appear to have frozen, Deputy. We have lost you. Can we see if we can get Deputy Young back?

Deputy J.H. Young:

We will not go into that anymore but I think this now puts it right. It sets the States on the route to be able to improve confidence in our government, to enable and make it easier for new Members to come into the States for fresh blood and obviously we have the ... it is a real difficult matter to produce the machinery of that within the rules of our laws to make that happen. Well done. I do share some of the views from Senator Ferguson there. I do not think Members would be surprised at that. I think we have made our government incredibly complicated with such things as the Government Plan and the common strategic purposes and all these procedures that we have had to go through. But at the end of the day I am hopeful that with this, the framework ... maybe I would like to see personally if we get a strengthening of politic parties there will be a much clearer set of mandates that people will have, well contested elections and we will have good hustings with lots of probing questions and I think it is a really important day. So I very much put my name to support these reforms. Thank you.

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

I just wanted to put forward the view on this with regards to diverse candidates coming forward because I believe that if we do pass this today it will be one of the most important things that this Assembly will do or has done to encourage diverse candidates to come forward. If we do approve this today we will be removing several barriers to participation. I hope that this will be passed today and I hope that if and when it is passed that women and other underrepresented groups in our Island will look at this and see it as a positive thing and that they will consider putting themselves forward for election so that we can see a diverse range of high quality candidates for the electorate to choose from at the next election. I am quite excited to look at this today and I am quite excited that, I hope, this is going to be passed today. Even those who may have had amendments lodged and not had those amendments passed I would hope that they could see a way to approve this today so that we can show in great numbers that this is something that is a compromise that has been reached by us today as a collective and that we want to encourage candidates from all backgrounds to come forward and take part in our democracy. I want to echo the thanks to Deputy Alves and, of course, Deputy Russell Labey for the work that they have done on this.

The Connétable of St. Lawrence:

Members may have noticed that I voted consistently against the proposition today and yesterday. My compromise was in 2013 when I voted for option B in the referendum, subsequently supporting that in the votes. There are still Members of the Assembly today who chose to ignore the will of the electorate then. Had they voted to support the will of the electorate we would have had 7 years of change and we would have had the support, I think, of the electorate because we would have supported them at that time. I have not supported the removal of the Senators from the States Assembly, for all the reasons rehearsed over the many years since I have been a Member of the Assembly so from about 2005. The debates I have taken part in where I have always spoken in favour of the retention of the Senators and the Island-wide mandate. I have to conclude by saying that it will come as no surprise to Members that I will not be supporting this legislation in Third Reading. To conclude, you do not know what you have got until it is gone.

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak in Third Reading? Senator Farnham.

Senator L.J. Farnham:

I think while it has been a disappointing debate for a number of Members, specifically those who wanted to retain the Island-wide mandate, I would still like to offer my congratulations to the Chair of P.P.C. and those who have, in a democratic way, won the day. To the victor the spoils. Well, we shall see because I know we are all going to work hard to make sure we have a very healthy and robust election process. I think the Assembly has made a mistake, I think the loss of the Island-wide mandate is not right but we shall see. I suspect it could become an election issue, if not next time in the future. Just because it has gone now, I would not say that it might not come back in the future. But, as they say, if life gives you a lemon, make lemonade. We shall do our best. Thank you very much.

Connétable A.S. Crowcroft of St. Helier:

I too want to endorse the congratulations Members have given to the Chair of P.P.C. Having tried to bring a reform proposal myself as Chair of P.P.C. following the referendum I am almost envious that she has managed to get this, hopefully, across the line. If I had a pound for every time the word “democracy” has been used in this debate I would be a rich man. I just wanted to remind Members that the whole point of this debate was to try to deal with the fact that people in Jersey have a different power at the ballot box, depending on where they live. That was the most important thing that we needed to correct. We are not, of course, out of the woods yet. If you look at the basic principle that votes should be based on population then given the size of the population of St. Helier, we should have 16 votes in the new Assembly. In fact we will have 14. St. Helier will go into the next election still underrepresented quite significantly and that underrepresentation will only continue as St. Helier continues to take the majority of new housing units that are planned for the Island. That is why I welcome the fact that there will be an Electoral Commission that will bring back to the Assembly the fact that you cannot have a situation where people have a different power at the ballot box depending on where they live. The Senatorial matter did not affect representation, it affected the number of people one can vote for but that is not the same thing as looking at the overall representation of people in the Assembly. I welcome these changes and I hope Members will get behind them, including Members who have reservations because it will be great if we can say of our Parliament that it is not gerrymandered but it gives everybody in the Island equal say in parliamentary matters.

[12:00]

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak on the law in the Third Reading? If no other Member wishes to speak in Third Reading then I close the debate and call upon Deputy Alves to respond.

Deputy C.S. Alves:

I would just like to thank Members for their final contributions and their kind words to me, I really appreciate that. Thank you. I just wanted to pick up one thing that Senator Ferguson said, which I completely respect, about her views regarding the committee system. I think Deputy Young also raised some concerns about ministerial government. I would encourage them and any other Members to speak to the Vice-Chair of P.P.C., Senator Vallois, who is currently undertaking a body of work that is looking into the democratic and accountability governance, and that is as part of a subgroup. I would just like to take this final opportunity also to thank the Deputy Greffier and Jennifer Cartwright, the Legislative Drafter, for all their help and support with this body of work. Members, as I said at the very beginning of this debate, I urge you to maintain your resolve and stand by your decision that you made just 4 months ago. Let us move forward. Thank you.

The Bailiff:

I ask the Greffier to place a vote in the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in Third Reading.

POUR: 31		CONTRE: 12		ABSTAIN: 0
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Senator S.C Ferguson		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Connétable of St. Lawrence		
Connétable of St. Clement		Connétable of St. Brelade		
Connétable of St. Peter		Connétable of Grouville		
Connétable of St. Ouen		Connétable of Trinity		
Connétable of St. Martin		Deputy of Grouville		
Connétable of St. John		Deputy G.C.U. Guida (L)		
Deputy J.A. Martin (H)		Deputy of St. Peter		
Deputy G.P. Southern (H)		Deputy of Trinity		
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. John				

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

Deputy R.J. Ward:

Could we have all of the names?

The Greffier of the States:

Those who voted pour were: Deputy Labey, Deputy Ward, Deputy Ahier, Deputy Gardiner, the Constable of St. Clement, Deputy Lewis, Senator Mézec, the Constable of St. John, Deputy Young, Senator Pallett, Deputy Alves, the Constable of St. Helier, Senator Vallois, Deputy Morel, the Constable of St. Peter, the Deputy of St. Ouen, the Deputy of St. Martin, Deputy Doublet, Deputy Truscott, Deputy Pinel, Senator Moore, Deputy Le Hegarat, Deputy Higgins, Deputy Martin, Deputy Southern, Deputy Ash, the Constable of St. Ouen, the Constable of St. Martin, the Deputy of St. John, Deputy Pamplin, and in the link the Deputy of St. Mary. Those who voted contre were: the Constable of Grouville, the Deputy of St. Peter, Deputy Guida, Senator Ferguson, Senator Farnham, Senator Gorst, the Constable of St. Lawrence, the Deputy of Grouville, the Constable of St. Brelade, Senator Le Fondré, the Constable of Trinity and the Deputy of Trinity.

Adjustment of Green Travel and Regional Categorisation ahead of reintroduction of Safer Travel Policy (P.34/2021 reissue)

The Bailiff:

Very well, the next item is Les Quennevais Park Flats: Loan Scheme, P.19 ... I am sorry we agreed to do Safer Travel as the next item, the Assembly resolved that yesterday. It is P.34, the next item is Adjustment of Green Travel and Regional Categorisation ahead of reintroduction of Safer Travel Policy, lodged by the Safer Travel Guidelines Review Panel. For the purpose of the debate the main respondent will be the Chief Minister and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Council of Ministers, prior to the reintroduction of the Safer Travel Policy on 26th April 2021 to: (a) change the categorisation of green travel areas to below 25 cases per 100,000 and change the categorisation of amber travel areas to 25 to 120 per 100,000 from their current levels of 50 per 100,000 and 50 to 120 per 100,000 respectively, to be monitored and adjusted using the most recent 14-day period of official transmission rates data which is available; (b) use the upper tier local authority level (counties, metropolitan districts, inner and outer London and unitary authorities) for categorisation of the United Kingdom's R.A.G. (red, amber and green) regions as the basis for the regional approach adopted in the Safer Travel Policy; and (c) ensure that Scrutiny and States Members are briefed ahead of any changes to the Safer Travel Policy.

Deputy R.J. Ward (Chair, Safer Travel Guidelines Review Panel):

I speak on behalf of the Safer Travel Guidelines Scrutiny Panel. First of all, I would like to thank the Assembly for allowing a reduced lodging period for this amendment to travel guidelines and I look forward to a genuine debate on this topic. Indeed the first reason for this amendment is to bring this decision over how we determine our travel classification to the Assembly. I say this because the Panel is asking to return to a classification that existed in July and had success in limiting inward

bound infection rates even at a time before widespread vaccination. This was a government decision to change those classifications and we are here to scrutinise government and therefore we bring this to the Assembly for those particular reasons. We are asking for the Assembly to be prudent and to take measures now which could reduce any likelihood of inbound travel again causing a reseeded of the virus and potential rapid rise in cases as experienced late last year. The re-establishment of the previous classification that was a green, amber and red, which stays the same, is a small but significant step to do exactly this. It is not about closing borders, it is not about stopping travel. I repeat that, this is not about closing the borders and it is not about stopping travel. Jersey is at a vital stage in the response to this pandemic, we exist in a wider world and, as an Island, rely upon travel to and from Jersey in so many areas of our lives but this does not mean we should lack caution in dealing with any possible threat. The countries that surround us are also at key stages of the pandemic with rises in some areas and relaxation of rules in others, plus the mutations to the COVID virus that will mean new strains with different mechanisms for infection, reproduction and their effects. The panel also feels that the safer regional categorisation to use in determining the R.A.G. status in the U.K. (United Kingdom) would be the upper tier local authority, that is counties, metropolitan districts, inner and outer London and unitary authorities rather than the lower tier or council areas. This provides a better level of protection given the likelihood of movement of potentially COVID-19 positive individuals between smaller regional areas following the relaxation of movement restrictions in the U.K. where the stay at home order has now been removed. I remind the Assembly that the opening of borders are happening at the same time as other restrictions are being lifted. We must address how we calibrate the risk of all of these changes to make the whole. I will keep this opening speech very brief as others will want to express their thoughts and we have had a lot of long speeches in the last few days. I also hope that Members have read the accompanying report. I look forward to the debate and ask Members to consider all arguments carefully before they vote on possible changes to our travel guidelines, and please be constructive as this debate could be a reassurance for the people of Jersey that decisions being made are open, supported and have been thought through carefully. Also that they have the support of the Assembly. I would say to the Minister, I will apologise in advance that we brought this to the Assembly relatively late but with the time available to panels and the discussion that was needed ... and it was through genuine discussion of this Panel that this amendment arose. We thought we cannot leave this, we cannot go without bringing this to the Assembly and having a thorough discussion. We think that is the best way forward and therefore I make the proposition on behalf of the panel and I look forward to the discussion that ensues. Thank you.

The Bailiff:

Is the proposition seconded? [**Seconded**] I therefore open the debate. The Deputy of St. Ouen.

The Deputy of St. Ouen:

I believe we have all come to realise in the course of this pandemic how important our social connections are. When we are kept apart from others we suffer. We feel unsupported, isolated, lonely, our mental health might deteriorate. It is harder to share the burdens that we bear and receive help and support for that. Jersey is a thriving community but we have connections that are often off Island. We have recently completed our census forms and I believe that when the results come back it will show, as I think it did in the last census, that more than half our residents were born outside of the Island. Nothing wrong with that at all. What it means is that many of us have connections to family outside of the Island and communities that they have lived in prior to their arrival in the Island. That is a valuable asset to Jersey. That is valuable and benefits individuals but I have no doubt that it also adds to the diversity of our community. Last summer we believe that most of the travel into the Island was in fact from returning Island residents who had gone either on holiday, because we all do need holidays, and sometimes that holiday is spent with wider family, or they have gone very explicitly to visit family or friends or the communities they know in the U.K. Then, of course, they

have to travel through our ports. I think that is an important thing to remember because sometimes people get in touch with me and the way they speak about our travel policy is that we are letting in vast hordes of outsiders who are simply coming here to contaminate the Island. That is an extreme view and is quite untrue. In addition, of course, to local travel members of our community will invite their friends and family who live abroad to come and stay with them here. Again, it is all about their reconnection and support. But we also welcome tourists to visit our beautiful Island and that is one of the mainstays of our economy, together with the business travellers that we also welcome. So while we are an Island, we are not insular. We have a network of connections and our connectivity is highly important. That we can connect safely, and we have shown we can do that, our test, trace and isolate teams have performed excellently at the borders and I pay tribute to the hard work of those teams in setting up new systems and maintaining safe access to our Island through the borders. We went through the second wave in November/December and we turned all travel into the Island to red, meaning that there was a mandatory isolation period of 10 days at least. So far it appears that we have prevented seeding of infection through the borders. As infection levels decrease here and in the U.K. I believe and Ministers believe, on the advice of S.T.A.C. (Scientific and Technical Advisory Cell) and policy officers that it is safe to reconnect with the U.K., Guernsey and the Isle of Man in a safe way and that it is right that we now do so. On 19th March following that advice from S.T.A.C. and officers, we, as a government, announced that the travel elements of the reconnection road map, the regional classifications would come into force from 26th April.

[12:15]

That is Monday, of course. Prior to that public announcement we had briefed the Scrutiny panels and States Members also. That timing was made 5 weeks or so in advance so that Islanders and other prospective passengers had adequate notice of our intentions, subject always of course to infection rates increasing, and Islanders have been able to plan accordingly. This proposition was brought I think last Friday and we are debating it today, just 4 days before the proposed date for the change. That gives travellers a very short notice period. It contradicts the settled and clear position that was set out on 19th March on which many travel plans will have been made, principally by Islanders to visit family members in the U.K. (United Kingdom), I believe. The impact of making a sudden change is likely to be highly significant. We are told that an average of 125 passengers each day have already booked their travel from Jersey to the U.K. in the 3 weeks following Monday. The majority of those will be visiting green regions of the U.K. and, therefore, expecting to return to isolate only until their first negative test is received. Based on regional classifications on 20th April, 152 U.K. regions would change from green to amber if the threshold was to be moved to 25 per 100,000 over 14 days. That 152 U.K. regions is 62 per cent of the total of the green regions as at 20th April. So, if this proposition were to be adopted, we can be sure that many Islanders with travel bookings over this 3-week period would be adversely affected. Many hundreds would face a difficult choice whether to cancel their bookings or undergo isolation, for which they have made no preparation as yet. I believe that will just lead to confusion, distress and anger in our community over this action because of the uncertainty and the change of arrangements at the last minute, which do not appear to be related to any imminent threat concerning the spread of infection. It breaks trust, I believe, in all of us so there would be little regard as to whether this is a Government initiative or a scrutiny move. It breaks trust in the sense of a planned reconnection and emergence from this COVID pandemic in a stable way. We can do better and place the well-being of Islanders ahead of our politics. I was surprised and disappointed to receive the proposition last Friday circulated in the usual way. I would have hoped that if the Panel had any concerns they could have raised them with me, the Chief Minister or the Public Health team prior to lodging. We would always have met if it was a matter of great urgency on which the Panel wanted immediate advice. We could have together pored over the science, discussed the pros and cons, but clearly that did not happen. Straight in at the last minute came P.34/2021, seemingly without any scientific or evidential basis. It appears to me stranger still, I am afraid to say, that the panel is holding a public hearing with me tomorrow on

safer travel policy, assuming that the Assembly is not sitting. That has been arranged for some time. In the usual way, in advance the panel had written to my office putting some questions indicating the areas they wished to cover. On 14th April the panel wrote to say: "Prior to our hearing scheduled for Friday, 23rd April 2021, the panel thought it would be useful to write to you to seek information which will help direct our discussion next week to provide the most effective level of scrutiny and benefit for the public. As such, we would be appreciative if the following queries could be answered." One of the queries is as follows: "What measures will be used to dictate isolation requirements and what will these be? How will red, amber, green ratings be allocated?" It is a perfectly reasonable question and we have sent back an answer early this week. That is fine, that is what we will be talking about in our public hearing if it goes ahead tomorrow. That is proper scrutiny, why we would be adopting the red, amber, green; what is the basis for that decision. The panel would hear from the Medical Officer of Health or policy officers. It would consider, it would report and it may wish to make findings and recommendations. But by lodging P.34/2021, it seems to me, what is the point of our hearing? Because the panel has made up its mind. What is the point of trying to scrutinise this issue if the panel says straight away, before they have taken any evidence, no, that what is proposed should not happen; instead what the panel has concluded should be how this matter is governed? I just do not understand how the Panel can come to that sort of view and say we must adopt what it now wants before it has taken any evidence, before it has had its public hearing, and why it did not ask and deal with this as a matter of urgency immediately following the announcement on 19th March. It is not that the move to 25 per 100,000 would create a great difference in the risk. For seeding to occur - and by seeding we mean the virus evading the positive test and being unisolated, going into the community and spreading infection - a passenger from a green region would need to be infected on arrival and the virus would need to evade surveillance by its day zero test and transmit from that person to other Islanders in such a way that the infection spreads. Now, the impact of the changes if it was adopted, bearing in mind we have a very low threshold already, is very slight. So, for every 1,000 passengers arriving from a green region, it is estimated the marginal decrease in the number of COVID-positive passengers, when a level of 25 is adopted in place of 50, would be in the range of 0 to 0.6 of a passenger, or less than a single passenger per 1,000 passengers. Of course, in addition that less than one passenger will nevertheless be identified by arrivals testing and may well prove positive and, therefore, not go on to seed. So, the benefit of the proposed change is very marginal. The current arrivals to Jersey are of about 1,000 persons each week and the information the Government is receiving is that that is very unlikely to change, given that the carriers have not made decisions to put on a significant amount of extra flights and it takes about 2 months at least for carriers to work up a different schedule. So, the anticipation is that for some weeks to come it will still be around 1,000 passengers arriving each week through our ports. As I said before, S.T.A.C. (Scientific and Technical Advisory Cell) have advised Government on this, and while the report to the proposition references individual [Interruption] S.T.A.C. members' contributions ...

The Bailiff:

Deputy of St. Ouen, that is your 15 minutes, I am afraid.

The Deputy of St. Ouen:

Thank you, Sir. Am I not a Responder?

The Bailiff:

The main Responder was the Chief Minister, I am afraid.

The Deputy of St. Ouen:

Oh, I am sorry, Sir. Then I am sure the Chief Minister is well able to ... it is just that I had lodged the comments and I thought, therefore, that I might have been a main Responder and I did not check that point before.

The Bailiff:

No, you have not been allocated as chief Responder.

The Deputy of St. Ouen:

I apologise.

The Bailiff:

No, not at all.

The Deputy of St. Ouen:

But I am confident that the Chief Minister and others will be able to take up the different points.

The Bailiff:

Very well, point of clarification, Deputy Ward.

Deputy R.J. Ward:

It is a genuine point of clarification; I am not trying to catch anyone out. I really want this to be a positive debate. The Minister mentioned around 1,000 arrivals in the next few weeks. This is a very important clarification, I believe. Is that 1,000 per day or is that 1,000 per week? Because the data that we have, that we requested, although I have to say the graph is not particularly useful because it is not labelled but that is just ... anyway, the numbers are significantly higher than that as we move on and I just want to be clear when we are talking about numbers today because I believe those numbers will come up a lot from right at the beginning of the debate of what numbers we are talking about in terms of arrivals. Thank you, Sir. I hope that is a point of clarification.

The Bailiff:

It is, yes.

The Deputy of St. Ouen:

I think that is the difficulty of having this debate at the last minute without information having been sought beforehand. My understanding from information received from Ports of Jersey passed through Public Health officials is that the estimate is about 1,000 passengers per week will be travelling to the Island. But, of course, that does depend on how fast carriers might respond and put on extra flights, but there is always a time lag in that.

The Bailiff:

Very well, the Connétable of St. Ouen. I beg your pardon.

Deputy R.J. Ward:

Sorry, Sir, I am afraid I have a further clarification, if I may.

The Bailiff:

If it is of something that the Minister has ...

Deputy R.J. Ward:

It is exactly on this point. It is just that data that we have received is suggesting that in June and July arrivals could be as high as 60,000. I suppose that is per month. That is one of the issues we have: the data is not clear.

The Bailiff:

Well, if you are simply putting contrary information, then that is really the speech. If you are asking for clarification ...

Deputy R.J. Ward:

Yes, the timeline of those 1,000 per week arrivals, is that consistently through the summer or will they increase and what will that be. Sorry, yes, that helps clarify the question as well.

The Bailiff:

That is entirely a point of clarification. Are you able to assist with that, Minister?

The Deputy of St. Ouen:

I can say that it is not consistently for the whole summer. It is the immediate short term.

The Bailiff:

Very well. Thank you very much. Deputy Young, you have a point of clarification as well and that is of what the Deputy of St. Ouen has said, is it?

Deputy J.H. Young:

Yes, please. I apologise; obviously I have not had a chance to have a briefing on this at all before. The Minister spoke of the arrangements for the U.K., Guernsey and the Isle of Man for 3 weeks and the 1,000 a week. Could he say whether that is under the current travel arrangements? Was he referring to travellers from the common travel area only or would that include people of international travel who have transited through the U.K.? Could he clarify that?

The Deputy of St. Ouen:

Our borders are not closed to anyone so it might include people who have transited through the U.K., as it has done throughout. But if anyone has spent time in amber or red areas and all other parts of the world apart from the U.K., Guernsey and the Isle of Man, they will until June be classified as red. So if in the previous 14 days they have spent any time in red areas, they will be required to isolate for 10 days. We can also note that the U.K. is imposing mandatory isolation on a number of countries exceeding 40, so any of those coming from those countries transiting through the U.K. will have spent a period of mandatory isolation in hotels in the U.K. prior to onward travel to Jersey. I hope that helps.

Deputy J.H. Young:

It does, thank you.

The Bailiff:

Very well, the Connétable of St. Ouen.

Connétable R.A. Buchanan of St. Ouen:

I am pleased to follow my Deputy. I think we are all suffering from COVID fatigue and I am grateful to the Panel for bringing this forward because it is always vital and important to debate these matters so that the issues are aired. I have to say the one thing we have learnt about COVID is that what is true today is probably out of date tomorrow, especially if you are travelling. I think in the time we have been fighting this virus we have learnt some fundamental facts. Firstly, track and trace is absolutely vital and we learnt this last summer when our border was open. We have a great team doing this and they have had lots of practice now. I think our track and trace system is among the best certainly in the western hemisphere but probably in the world. We have also got extremely good at testing. We probably have the best testing facilities of any jurisdiction. As one who has used it, I know how quick and slick it is and how fast you get the answers in. We also now have the benefit of lateral flow testing. As one who tried to travel last summer, I know that our country classification is extremely dynamic and areas that suddenly become a risk do very quickly move to amber and sometimes to red and also go back to green when the situation changes. We do update it extremely quickly and I think we should place a great deal of faith in that ability. Another thing that has changed

substantially since even last December, which was referred to in the proposition, is our vaccination figures. It is worth just looking at the numbers and these numbers I think are about a week old now. So far we have administered 73,426 doses of vaccine; 47,673 are first dose, 25,753 are second dose. So the doses per 100 people in our population is now 68.1, which is an incredible achievement; 29 per cent of all Islanders aged 18 years or older are fully vaccinated; 90 per cent of 80-plus are fully vaccinated; 90 per cent of our care home residents are fully vaccinated; 85 per cent of care home staff are fully vaccinated; 74 per cent of our front line health workers are now fully vaccinated; 84 per cent of clinically vulnerable high-risk people between 16 and 69 have received a first dose; 78 per cent of clinically at moderate risk have received a first dose. The reason for quoting these statistics is just to illustrate that we are in a much better place now than when we opened up last spring, with over half our population protected. In short, most of the vulnerable end of our community are now protected. But also the country that we are proposing to open up to, the U.K., has made similar progress with their vaccination and continues to make good progress. I watch with amazement the numbers of people in the course of a day in the U.K. who receive the vaccination. It is an incredible achievement. If you see what is happening in other countries in the world, the U.K. is well ahead of that. The only country to match it now is the U.S. (United States). The report in the proposition refers to the new Kent variant last year when the winter was coming on and, yes, it did produce another spike. I do not think we quite realised how virulent the Kent variant was, but we are much better placed now and even green arrivals have to test. They have to isolate until they have tested clear, something that was not happening last year. Again, as with all these things, we learn as we go along and I think we are now in a very good place. I think variants are of concern but what I have read so far, and I have to qualify this by saying I am in no way a medical expert, I am just a layman who reads the news like everyone else, but it does seem that the vaccines protect us even against the worst extremes of serious illness, even if they do not stop people getting COVID itself. I think, as we have seen, the pessimistic forecasts that people have made about vaccines tend to be countered by the performance when it comes out. The vaccines do seem to perform better than we have been told at the start. I think everyone has seen the paper that has been circulated and what that paper says broadly supports what I am saying. Moving to the larger areas part of the proposition, I do have concerns about this because as we saw last time spikes in the community tend to show up in small areas of the community. If we move to a larger area, in my view that will mask some of the hotspots and we may miss them until, frankly, it is too late. So there is a benefit in having a smaller jurisdiction, smaller areas classification, because you can spot spikes when they show up quickly. I hear what they say about movement but then movement is going to take place anyway. People can pick up COVID anywhere if they are moving around the U.K. They can catch it at the airport. They can catch it on trains. So, I do not think the movement argument is particularly valid when looking at areas. I would prefer to see us work in smaller areas so we have a better idea of where the hotspots are. So, in light of the fact that we are all trying to keep our speeches good, I will sum up. We are in a good place. We are in as good a place as the U.K. The suggested number of 25 per 100 is lower than Guernsey. It is not supported by the advice that we received today. I think at some stage in this process we have to be a bit braver. We have all sheltered and I think we have all got very cautious when we have been sheltering. We have a robust vaccination programme and people are being vaccinated at a rapid rate. Any of you who are old enough who have been up to the vaccine centre can testify how efficient it is and how quickly they are getting through people. We have a good testing regime and we have a good track and trace regime. I would strongly urge Members to be comforted by our current approach and to follow the advice that we received and to reject this proposition.

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak on the proposition? If no other Member wishes to ...

Deputy I. Gardiner of St. Helier:

I would like to speak, but my speech is longer than 7 minutes that remain.

The Bailiff:

Well, shall we see if anyone else wants to speak who is not going to speak for that length of time? Would Members agree to take the adjournment sooner?

Deputy M.R. Higgins:

Yes, Sir.

LUNCHEON ADJOURNMENT PROPOSED

Senator K.L. Moore:

I propose the adjournment.

The Bailiff:

Thank you very much. The adjournment is proposed. Does anyone wish to argue against the adjournment? We are 7 or 8 minutes before normal time. No? Very well, the Assembly stands adjourned until 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Before the adjournment, during the earlier debate I was asked on a perfectly properly raised point of order to rule on whether the phrase God willing was unparliamentary. I ruled that it was and I now wish to reverse that ruling. I was at that time concentrating on the complexities of the debate and I had recalled on the question being put to me that a reference to God had indeed been ruled as unparliamentary on a previous occasion. That was, however, in a very different context and very different circumstances which did not apply before lunch. I do not, on reflection, consider that an appropriate use of a common expression in language, such as God willing, to be either offensive or unparliamentary and I withdraw that rule. Very well. We now continue with the debate on P.34 and next to speak is Deputy Gardiner. Deputy Gardiner.

Deputy I. Gardiner:

It cannot be just me having that déjà vu feeling, here we are again. We are down to almost zero cases. Jersey is about to get back to some kind of normality after 5 months and that is about to be leveraged for the benefit of tourism. This is, of course, a debate about the border policy and I can expect the same businesses assure us that we will not have a third wave and we will not import the new variants after Boris Johnson wanted the U.K. (United Kingdom) to expect a third wave and the state of the presence and danger of new variants in the U.K. We did not close borders, so we do not need to open them; they have never been closed. It is not a debate about opening the borders, the borders are open. What we did ask travellers, to follow certain rules, to keep Islanders safe. This is a debate about the safe management of travel, travel should and will continue. We are only debating about safety measures unnecessary to protect our Island. We hear it said that the situation is different now and I agree. We now have previous experience of our past border failures, which would be good to reflect upon at this time. The following sentence is one that I found in my July speech: "Recent positive cases clearly reveal the infection rates come from travel into the Island." It was in July last year. The same situation as we have today. We do not have any community transmission cases for 20-plus days. The cases that we had recently, they were all from inbound travel. I will have 3 parts to my speech after opening, the first part is facts. What do we know? Twice COVID was introduced to the Island through a virus. Quarantine works, 14 days incubation period, most of the cases can be

discovered within 10 days and this is the reason that we moved into the 10-days quarantine with 3 tests. During the incubation period people spread the virus. To reach herd immunity 70 per cent of the population should be vaccinated or recovered. As from Monday, we had approximately 25 per cent, 26 per cent of the population of Jersey vaccinated with 2 doses. I know that one dose gives protection but it is just about 50 per cent and the 2 doses give it 90 per cent. In the U.K. they vaccinated 10 million with 2 doses, which brings us to 15.7 per cent of the U.K. population vaccinated and these are the facts. COVID vaccines are highly effective but none are 100 per cent, meaning a small number of people might become infected after being fully vaccinated but those infections are typically mild; we know this. There are 3 variants at present and still spreading in the U.K.; Brazilian, South African and Indian double mutation. Europe is in its third wave. What we do not know, there is that these variants are supposed to ... for post-vaccinated people, especially elderly. We do not know how long the vaccine is effective. Some studies suggest it will need a boost after 6 months. Just yesterday we heard news about the South African variant in Birmingham and in that article it was written very clearly: "Experts believe that the South African variant may be able to get around some of the protection offered by our current vaccine, although they should be able to prevent severe illness." Again, it might, yes, it might not; we do not know. If all vaccines have a high efficacy against these new variants and prevent a serious illness like COVID, this is one thing, if not some of all or other vaccines basically they use at the present and they will not be helpful. Saying this are putting vaccines on this site, this is just things that a big question mark that we do not know and this is the situation different now. We do have a vaccine but we do not know how this affects the variants. Now I am going to the part 2 of my speech and it is about communication, medical advice and political decisions. Because what we are doing here today is basically it is a political decision. As the Scrutiny Panel and a member of the Scrutiny Review Panel, we said let us bring the decision to the Assembly and if the Assembly will say 50 per 100,000 smaller region, this is the way we still want to go, this is the decision that we will make together. I would like to bring Members' attention to 3 quotes from the S.T.A.C. (Scientific and Technical Advisory Cell) minutes and please to listen, 9th September 2020: "The Chair informed the Cell that some politicians had queried whether it would be possible to re-categorise amber areas as those where there had been in excess of 50 cases over the previous 14 days, rather than 25. The consultant in Communicable Disease Control opined that the local controls appeared to be performing well, when compared with neighbouring jurisdictions where the infection rates were increasing and did not believe it would be helpful to make the requested change at this juncture. The Chair stated that one outbreak of COVID-19 in Jersey, which was a small island, would have a significant impact, whereas a larger country could more easily absorb the implications of the same." The situation did not change, if we will have a variant a small island would have significant impact compared to the other jurisdictions and it is from 9th September 2020. Second quote from 16th September 2020: "The consultant in Communicable Disease Control suggested that the Island had a choice between the proactive introduction of mitigation factors, to keep the levels of the virus as low as possible or allowing more COVID-19 to enter the Island, which would, of itself, cause restrictions. The consultant in Communicable Disease Control agreed with the independent adviser, Epidemiology and Public Health, that it would be inappropriate at the current time to change the definitions used to classify and respond to the regions and it would be preferable to keep the state of affairs in the U.K. and Europe under review accordingly." As we suspected at that time and I remember briefings and I remember question time and I remember debates in this Chamber, we have been told about medical advice but now we see from the S.T.A.C. reviews that the medical advice was changed by politicians, despite the S.T.A.C. reviews. While I am being described as unscientific, so the Members remember that I bring in October a proposition and I have been described as unscientific and even informed in a previous debate behind the scenes the S.T.A.C. adviser recommending the same thing that I was. After this change again, S.T.A.C. advice, we had a community transmission event which led to the disaster that we had all last Christmas. Maybe we forgot but we did have 3 months of a very, very difficult winter. On 12th October 2020: "The Medical Officer of Health indicated that it was of no surprise that the cases were

increasing. Ministers had made the decision some time previously to re-categorise the green upwards from 25 to 50 to enable travel to continue. But the result had been the risk of more people with COVID-19 coming into the Island. In her view, the Cell's advice to Ministers should continue to be strongly in favour of taking all necessary action to protect Islanders from imported cases." Here the contra-argument, the Panel about taking medical advice, we basically said let us go and I do agree with the Minister, he said it in the summer we did manage well but then this summer we had 25 to 100,000; we did not have 50 to 100,000. Now I am going to the part 3, economy, well-being and freedoms. The second-wave restrictions were more difficult for more people mentally and financially. We still do not have all our freedoms back on the Island. The third wave will be worse again. The biggest expense in this pandemic and we received just recently the figures for 2020, we still did not see the figures for 2021, was the payroll support which was half of £190 million that is spent in 2021. We supported one in 3 private sector employees and rightly so. We need to help businesses to get through the pandemic. The large proportion of that money went to the hospitality industry and if we need to give more support to hospitality we should do, as tourism might not pick up, even with absolutely no restrictions because there is still a pandemic out there. Yet again it has been suggested that the Island needs to accept higher risk to support hospitality. Let us make it clear, what we are risking the damaging education of our children, reducing freedoms of our residents and preventing any group activities being enjoyed at all. Each wave of COVID in Jersey makes the damage cost to our society deeper and longer lasting. Let us be clear, even if we introduce bigger areas, we will not lose all tourism, it will be less but sure we will have our community coming first and we will probably remain the tag being Jersey is a safe destination. It was interesting that during the staycation and, by the way, I would be enjoying the staycation though at Christmas but it was not possible, during the staycation S.T.A.C. had the best season last summer, compared to any other recent seasons before. Another point and I agree with the Minister, we all need to have connections to our families and to our loved ones and we have 50 per cent of the population that are not from this Island originally, were not born on the Island and I am one of them but from them it was only 20 something per cent of the population that are further from the U.K. and their arrival from the U.K., we are from Jersey but we are still considered U.K., so it feels unsafe there. On the balance, if we can travel we just need to take into account the possible isolation periods and we can meet with the family when we are taking into account isolation period. Alone in the threshold for arrivals last year benefitted only a few businesses and was a catalyst for the second wave. Clearly, the Island, as a whole, we did not benefit from the decision. This Island, as a whole, we had a bad disadvantage and impact. Another thing that we said we have contact trace and track and trace and they are very good, they are doing a very good job. At the same time, the answer to my written question for this sitting, it is clearly stated that when I asked how many people were identified through the contact trace and where they contracted the virus, it was stated that the incubation period is for 14 days. Therefore, it is really rarely possible to be conclusive about where a person has contracted the virus, where it has been transmitted, as there are usually many interactions that take place during that period of time. The last point, we will have a public hearing because what we are introducing now is basically saying let us go back to the numbers that were before, the numbers that S.T.A.C. supported in bigger areas that worked previously but we have other points. It is, for example, where is the mitigation measures? If we are going to the higher numbers, would the mitigation measure like how we treat people who are vaccinated or not vaccinated? I know that it is a very difficult topic but this is how we are thinking about vaccination. One of the examples about ... there is a jurisdiction that are leading, they have almost 60 per cent of the adults vaccinated with the 2 doses and they introduced it in 3 layers for arrival because it is clear for them, please have a test prior your arrival, vaccination with 2 doses, with 2 shots and the third is antibody tests on arrivals at the airport. Why are they doing this? Because it is clear that the inbound travel create a higher risk for the economy and the society to have a stability and continue to operate. Everything is open now and they will try to do the maximum to protect this. Coming back, we all want the best for Jersey, by the way. I do believe that all the Assembly wants the best way for Jersey and we do have differences of opinion and I will stand behind the decision

that will be made by the Assembly. As the Assembly, 3 times we voted for higher-risk approach, not me personally and we are still coming out from the approach. We are in a good place now. We do not have community transmission for 20-plus days, several of these with variants and vaccinations and ...

The Bailiff:

Deputy, I have to stop you from you speaking. Thank you very much. Senator Moore.

Senator K.L. Moore:

I am very pleased to follow the previous speaker. I think really there is very little for me to add, other than to reinforce the message that Deputy Gardiner had there, which was that the Assembly would do well to listen to its critical friend, the Scrutiny Panels and take heed of the work it has done. Deputy Gardiner has done an excellent job of reminding Members of some of the events of last year and some of the unfortunate and avoidable incidents and particularly that of the circuit breaker over the Christmas period, which is a matter of great regret. Deputy Gardiner also referred to the minutes of the S.T.A.C. that we are now able to see. Of course, we still have a time lag and so, for example, it will not be possible for us to see what the current advice is from S.T.A.C. and that has been a matter that the Corporate Services Scrutiny Panel has raised in our interim report into the COVID response, which I hope States Members have read. The issues of transparency have been with us on a number of occasions throughout this pandemic period. It seems a shame that we do not learn from those lessons. Yes, there have been a great deal of really good things about the Island's response to the COVID pandemic but we would do well to listen to the Scrutiny Panel and their advice, which is backed up by evidence. There may be issues with the timing but that perhaps is a matter for the Chair of that panel and the Minister, who perhaps have had some difficulties in communicating with each other in the time period that has been available. We, as panels, have done our very best to often turn around our thoughts and to seek evidence and offer our advice in short order. I would like to once again reiterate our thanks to all of the officers who have supported the Scrutiny Panels over the past difficult months. I am very proud of the work that all of the panels have done in that regard. Just as a reminder, I also recall very clearly the very short time period with which the Scrutiny Liaison Committee turned around amendments to P.84, the original safe travel proposition. That, I think, is an excellent example of the opportunities that this Assembly had to listen to Scrutiny who had some constructive and sensible recommendations for the Assembly, things such as implementing an isolation for travellers until their first test result was received. We all, of course, know that that was eventually implemented, although the Assembly voted against the Scrutiny Liaison Committee's recommendation at that time. It was, of course, that experience that led to the creation of this Safer Travel Guidelines Panel because we saw the importance of maintaining a watching brief over this very important issue. I do not need to go again across all of the excellent points that Deputy Gardiner has already raised. Of course we want to open up our Island and showcase what a wonderful place we have to share with travellers to it. But in order to do that what we really need to offer people is clarity and also safety and security, which is what many travellers will ... even now we are seeing excellent levels of vaccination; people are seeking those different factors in their travel-making decisions. Let us be proud to offer that additional amount of reassurance and safety and security and let us also protect our own community and our own economy, so that we do not have to endure severe restrictions, as we had to over the Christmas period, which was, it has to be said, entirely self-inflicted. Just in closing, I would also like to note that according to the Government of the United Kingdom's website, their COVID infection rate, as of yesterday for the whole country, was 25.2. Therefore, what I consider to be very sensible recommendations of the Safer Travel Guidelines Panel should not inhibit a great deal of travel between the United Kingdom and the Island but it will offer us the benefit of greater reassurance and security for both Islanders and our internal economy.

The Bailiff:

Thank you very much, Senator. Deputy Martin.

Deputy J.A. Martin:

I will start with the words of the Senator, who says the Islanders need clarity. They had clarity up until last Friday. They were told on 19th March when we would amend the border travel and that would be 26th April. The Senator also said it is always based on evidence, Scrutiny, but when the Minister for Health and Social Services summed up he was being asked for clarification by the Chair of the Panel. Is it 1,000 a day? Is it 1,000 a week? I would have thought they should have known all these numbers and if they are saying there is some difficulty getting hold of the Minister for Health and Social Services, you should have pinned him down and you should have pinned down S.T.A.C. and you should have had a good discussion on this. If you still felt you wanted to bring this, absolute right to do it and if it had to be late, it would be late; no problem. What have we got today? I have asked the Islanders over Christmas and New Year to work with our rules and did they not do fantastically? They did a fantastic job. We now know we have got a few cases. I also say that it was in the July debate and Deputy Perchard put out ... and said: "Some of us have a higher or lower risk aversion." Some of us do but we are governing for people of the Island and the people of the Island have been making plans. I will just read this part of the comments that has come from the Minister for Health and Social Services, it says: "We conservatively estimate that at least half of Islanders with travel bookings over the next 3-week period would be adversely affected. Many hundreds of Islanders will be faced with a difficult choice of whether to cancel." No, they will not be faced with a difficult choice because in the real world and if you have got a public-facing job when you come back and you are taking 2 children away, you cannot isolate for 5 days. You come back on a Sunday, that is day zero, day one is Monday, your first day and your day-5 test is a Friday. They have got to get permission for an extra week's holiday and they have also got to keep their children off of school and all isolate at home; not good for any of those type of families. I have always called the isolation you have been doing abroad, it is a rich man or very privileged people who work for themselves, who get paid every month. It sounds a bit like us, does it not? It works well for us but it is not about us. These workers and we know we have got to a point with the vaccinations, we have got to a point where we are so low they will be tested when they come back, they know they will be tested, they will have to wait indoors until they get their first test through. To keep the people with us and this is the Chief Minister's word, it has to be proportionate to the infection that is here today. Deputy Gardiner was quoting the S.T.A.C. minutes of 9th September of last year. I am hoping the Panel is going to tell me they sat down with S.T.A.C. I know Deputy Gardiner is on the Panel and Deputy Ward is on the Panel and he has spoken but anyone else, I want them to tell me they sat down with S.T.A.C. before they lodged this. There are people, they have got the early Bank Holiday in May, they have got Liberation Day, yes, it is a Sunday but some people may have already thought, well, I will take Liberation Day, I will take the Monday and it is already booked. Because, again, the real-world workers had to book their holidays in November and December. The companies make them do it and then good news, we can travel, we can go and see nan, we can go and see our younger kids at uni, we can see our children and one of them has settled in the U.K. with our grandchildren, great, we have got to come back to work. If you have got to come back to work, it is not going to be a difficult choice if this is passed today; it is no choice. You will put everybody else's rota out because the holiday rota is there. We have got half term at the end of May and that is when people look to take their children away, especially to see relatives. I just do not think there has been enough thought put into this. The Minister for Health and Social Services' comments, the Minister for Health and Social Services' speech is all about, yes, we know, we do not want a second wave but we are vaccinated. We were waiting for a miracle, the miracle came; it was a vaccination. We started in December, most of the people, especially the vulnerable and that is who we wanted to get vaccinated; they have been done. People are moving; I had to nip to town in my lunch hour, absolutely buzzing. But people do need, for all different reasons, to get off of this Island, people come back to see their family and they do it over these long bank holidays, they do it at half term. If we do this and say

people have to isolate, it is not always easy. I had to isolate with my 2 middle children when they came back in December but I have got a small flat. They could not have come if I was going to work in Waitrose because I was lucky, I am privileged, I can sit in my house on my computer. After 5 days I did not think they thought that they were privileged. I think that they were isolating one in the loo and one in the kitchen. The problem is they could do it and I could do it because I have got this type of job. I really think you have to think about the ordinary worker. Can they afford that extra week? Some might let them have it but it would be unpaid. You are taking the children out of school. No, people will not go and people want to go. I was listening to Senator Moore on the radio today and she said: "We are simply servants of the people of Jersey." We are simply servants and we cannot ask them to do things that are not proportionate to where we have our cases today. Look, I am not saying we will not have another wave, I am saying we know what we know now but we have the most vulnerable vaccinated and we need to stop trying to stick our finger in this faucet and hoping the water does not keep flowing out. Because we will have to live with some type of COVID for a while to come and we think we have got it under control and we have got the figures today and I have heard nothing, no new evidence from the Chair, Deputy Ward, and now Deputy Gardiner. I respect if they do have a little bit of different risk aversion to me, absolutely correct but you do not put our risk aversions or your risk aversions on the people of Jersey who want to travel, are booking to travel and they will not have a choice. They cannot travel because they cannot get that extra time off work. I think I have covered it all. Just keep the people in mind when you are thinking about what is happening. They are waiting, they want to go away and they want to come back to their Island. Do not stop them from doing that because you will only be stopping the hard workers. It will not affect the rich, it will not affect us but it will affect middle, lower workers who have booked their holidays in November and December around the school holidays, around the bank holidays and that is who you are affecting today, with no evidence and absolutely no mandate to do.

The Bailiff:

Thank you very much, Deputy. Senator Mézec.

Senator S.Y. Mézec:

I am quite angry listening back to Deputy Martin's speech just now. There is an issue here of generational justice. I have not had my vaccine, I have not been offered it, it has not been my turn yet and virtually none of my friends have been offered it either, apart from those who have got health conditions that make them high risk. These people seem to be forgotten in all of this. Deputy Martin certainly sounds like she has forgotten them in her speech as well, talking about people who would like to go away later but who might struggle having to isolate on their way back. Ignoring the fact that it will be minimal for many of those people anyway with any luck, hopefully the pandemic having improved significantly by these times, so the number of people affected is minimal. But we cannot forget that a substantial proportion of our population have not been vaccinated because it has not been their turn and surely there ought to be some sort of trade-off here that says for those young people who have no chance of going away anytime soon because they are the generation who will have been financially worst affected by the crisis, who are last in line to get their vaccinations, so if we do go down the road of vaccine passports and all the rest of it, they will be the ones who will not even have the choice, even if they do have the money. To say to those who are in the position of feeling comfortable leaving because they have been vaccinated or having the finances to be able to do so, to say, fine, you can go and if you feel you want to then do so but the trade-off we ask is that when you come back we are just going to apply things a little bit safer so we can be on the cautious side, so that nobody else gets affected. Listening to Deputy Martin, I really wonder if any lessons have been learned from the second wave we suffered in December, where I remember the sheer sense of despair I felt at how helpless we would have felt as things were getting worse and how it often felt that action was being taken too late. I think the key point here for me in justifying supporting this proposition is the second-last paragraph in page 3 of the report of the proposition and I will read the

whole thing because I think it is key, it says: “It is also clear from S.T.A.C. minutes at relevant junctures in 2020 that the decision to change the green categorisation from 25 per 100,000 to 50 per 100,000 was not in line with the medical advice provided by the Cell. [Approbation] The view of the consultant in Communicable Disease Control at the meeting of 7th September 2020 was that Jersey was performing well in comparison to neighbouring jurisdictions and that the change would not be helpful. The move to change the thresholds is described as a political decision in the S.T.A.C. minutes and one which appears to have been based on the desire to protect the economy through balanced risk.” In this instance I think we should listen to the Scrutiny Panel and I think if we are going to talk about a strategy of balanced risk in the economy and for once I would quite like the interests of young people to be taken into account here because it sounds like they are being totally forgotten and that is my reason for supporting the Scrutiny Panel’s proposition. The negative impact this will have on people will be absolutely minimal; that is just how it is. It will get even better as time goes by, hopefully, but there are lots of people in our society whose rights, I think, are forgotten here. That trade-off must surely be if you want to go away, fine but we have to bear in mind that there lots of people in the Island who do not have that choice, not just for financial reasons but because they have not had the vaccine and were going to be on the cautious side. How I wish we had been on the cautious side a bit more often in the last year.

The Bailiff:

Thank you very much. Does anyone else wish to speak on the proposition? Deputy Pinel.

Deputy S.J. Pinel of St. Clement:

Throughout my terms in Government I have always advocated consistency. Relating to COVID, we have maintained an adherence to the advice from S.T.A.C. We have set and published the guidelines to be instated on 26th April and the S.T.A.C. advice from today is that up to 50 people is appropriate. There is no room for complacency but a staggered reintroduction of connection is enormously important for families, business and our economic recovery. We are only opening borders for the U.K. and other Crown Dependencies at this stage and, of course, the reliance on the responsible behaviour of travellers is paramount in the successful delivery of the lifting of restrictions. There is no evidence to change these guidelines at such short notice.

The Bailiff:

Thank you very much, Deputy. Chief Minister.

Senator J.A.N. Le Fondré:

Just as having been notified as the main Respondent, I thought it might be appropriate for me to go now and try and deal with some of the comments that have been emerging and, equally, hopefully, they will address some other concerns, as people have been listening. Fairly obviously I do want to be speaking against this proposition. I know it is not the intention of the Safe Travel Guidelines Review Panel, as they said in their report, because the aim is to enhance the measures already put in place by the Government. But this proposition will have a significant impact and it does not make things safer in any meaningful way. I think that is the fundamental point that we need to remember. I will address it in various points, hopefully, as I go through the speech. But it does not make a significant difference in the level of risk but it does have a significant difference through the negative consequences that would come as a result of what is being proposed. It is with regret and this is our information and, hopefully, if the Panel can correct it, excellent but certainly from our information, as far as we are aware, the Panel have not sought advice from either the public health team, from S.T.A.C. or from relevant Ministers. If they had they would have noted that, given our current good position, S.T.A.C. and public health have endorsed the Government’s decision to reconnect with the thresholds as currently set out. We made that in our decision-making at competent authorities, that was certainly one of the key questions I asked directly of the Chair of S.T.A.C. and he said very

clearly: “The majority view of S.T.A.C. was to stick with 50.” It does rather feel that the fundamental one is that a lot of reliance has been placed on minutes that are 6 to 7 months old, which predate what everybody has said, is our fantastic vaccination roll-out and obviously, again, ignored the current views of S.T.A.C., which were relayed to Members during the briefing on 19th March. I believe our estimation 2 or 3 days ago but I believe it remains the same, that if this Assembly was to adopt this proposition today, we would at a stroke turn around two-thirds of the green regions in the U.K. to amber. Therefore, as has already been alluded to, this would affect reasonably significant numbers of Islanders over the next few weeks; it would put them into a difficult position. They would either have to cancel their plans to visit friends and relatives and some of whom they have not seen for months. In fact I had one email from someone who said they had not seen a member of their family for, I think, 2 years or, as has been already alluded to, submit to a 5-day isolation period upon their return without having time to prepare, without time get leave from work or to make arrangements for their children’s education or care, et cetera and that is the consequence of this proposition. A certain number of us Members have received emails from concerned Islanders expressing their dismay that plans to visit family members in the U.K. might be disrupted or cancelled, so with such little notice. Because they would have all booked their tickets in good faith with confidence in our testing regime, vaccination programme and the public guidance. Essentially, how will they feel if, from their perspective, we break that trust? Because what we are doing is we are unfreezing our existing red, amber, green system, which was announced over a month ago, so I do again remind Members of the risk factor. Our public health officials have assessed the potential benefits of the panel’s proposition and, as we have said, they found that the change of the threshold from 50 to 25 would deliver miniscule benefit. That is because our existing red, amber, green rating and the triple-test system do provide for safety at our Island borders. It is a cautious reconnection programme on Island. We have rolled out a vaccination programme much like the U.K.’s, ranks among the best in the world. As, again, worth reminding Members of what the Minister for Health and Social Services said before lunch, that the extra benefit of ceding avoided from this proposition and this is per 1,000 people, is estimated at somewhere ... I think it is 0.2 travellers; it is less than one. Do not forget, that change will also be captured at the border. There have been some comments made, which I would like to address. We have had references about generational justice with any luck, with comments. A lot of that was opinions, I would suggest, or being a little bit safer. But the point here is and we have talked about balance the risks and lives particularly and livelihoods and mental health and well-being and all the other impacts, is not just about COVID, the issues that we have been having to consider. As I have just said, the reduction in risk from this proposition is negligible and that is from the professional advisers that we have, from public health, from S.T.A.C., all the rest, that their calculation that the impact of going from 50 to 25 in terms of reduction of risk is negligible. But the impact of that reduction in other ways is significant and that is why we are not supporting it. I think I need to go down, I think, probably in reverse order, Senator Moore, I think, demonstrated quite clearly - moving away from just the 50 and 25 issue, the larger regions issue - why sticking with the existing regime makes sense. She stated from her investigations that the average number of cases across the entire United Kingdom was 25.2 for the whole country. If you go into it, when we have applied that argument, which is, essentially, a very similar argument to the one that is being thought to go to the upper-tier area, in other words, larger regions than what we are talking about, the problem is you lose areas which are specifically higher. There are areas in the U.K. which do still need to be ranked as amber or red. If that rate still drops in the U.K. and, for the sake of argument, goes down to 24, then under that system, according to the Senator, everybody would be able to come in under a green ranking, even though they were coming from an amber or red lower-tier area. Therefore, fundamentally I think that just demonstrates why sticking with the existing system and we have had that discussion with S.T.A.C. and those remarks are laid out in our comments, which is basically: “There has been no scientific evidence been provided within the accompanying report of the proposition for part (b) of the proposition, which seeks to change the scale of classification to upper-tier local authorities. As was made clear to States Members on 19th March 2020, S.T.A.C. considered

the relevant merits of different spatial scales and can find no strong evidence that different regional sizes offered superior levels of protection. As such, we conclude that maintaining a lower tier local authority area classification offered to Islanders consistency of the scheme, has been in operation for Jersey prior to December 2020.” As I said, I think Senator Moore’s example clearly demonstrates why that is a better recommendation. The Connétable of St. Ouen has also alluded to it. I think the comments of Senator Moore about offering clarity, I absolutely agree with her. Deputy Martin also addressed that, just do more clarity and that is why we gave a month’s warning. Therefore, basically and having brought this debate slightly forward, to be doing this on the Thursday before the Monday is not going to give the clarity and the certainty that they seek. I do have to just also address some comments that have been made about the circuit breaker being self-inflicted. It was unavoidable, et cetera, et cetera and basically implications that, essentially, if we had almost gone into quarantine and followed other jurisdictions that we would never have had to do that. I think it is very clear that both our fellow islands, fellow Crown Dependencies, who have followed much tighter regimes in terms of the travel borders, have seen significant spikes in their numbers and have had to take measures to do so. I think whichever way one looks at it, the fact that the improvement in safety, for want of a better expression, or the reduction in risk of infection from this is negligible, that the other consequences arising out of the proposition are significant. It basically means that argument is not really valid in the context that we are operating under. Just, I think, again, to some of what Deputy Gardiner said, we have been very clear that April 2021 is not the same position as September or October 2020. The consensus in S.T.A.C. and their advice now is that using 50 is appropriate. I also just want to clarify, this is not just about tourism. In terms of the connectivity/volume that we are expecting over the coming months and I do not know the exact time period but certainly relative to 2019, we are anticipating flights are still going to be significantly down in this year, compared to 2019 because that is just the nature of how the industry has changed. We are not expecting to see floods of tourists flocking to the Island, as they did in the past but this is about a cautious reconnection. As I have said, the overall reduction risk of the proposed measures that this proposition is bringing is negligible but the consequences are severe. The point I make about it not just being about tourism is that ability for Islanders, as I have said already, to reconnect with their families who they have not seen for a long, long time in certain instances. In our comments, which, again, obviously one or 2 Members do not appear to have read, we have said: “Based on regional classifications as of 20th April, a total of 150 U.K. regions would shift from green to amber, that is 62 per cent of green regions, if we are to change the threshold to less than 25 per 100,000 over 14 days.” That is a significant impact at very, very short notice and will, therefore, impact upon a significant number of the Islanders who are forecast to travel. I think the final observation I would make before concluding is, again, to remind Members of the comment from the Minister, which was, essentially, the ability to respond quickly. We have briefed as often as we possibly can and in advance with Members of changes in the Safe Travel Policy. We will always seek to do so. We did so on 19th March for both Scrutiny and States Members and that is why we hope that Members can be assured that we consider that that part of the proposition to be unnecessary as well. The but from that is that the comments are there will be times when we may need to move swiftly and we need to retain that flexibility and swiftly can sometimes mean within hours at antisocial hours. COVID has not been easy, I think that should be very clear. We have had to make difficult decisions that take a balance of risks approach of dealing with the health problems of COVID, of the wider health problems of COVID, including mental health and well-being and then balancing the needs of the economy. As I have said many, many times, balancing the needs of the economy is not just about money. If one loses one’s job because the firm has gone bust, that, in itself, has health consequences and mental health problems. But that is why there is a balance of issues that we have to consider. Therefore, our view is that this proposition will not make any meaningful difference to the Island’s border measures. It will, however, make a significant difference to Islanders’ travel plans. It will frustrate their hopes to safely visit family members in the United Kingdom. It is just at present those members of the Common Travel Area, excluding the Republic of Ireland, it will compel them to

isolate on their return without having had time to make suitable arrangements. Frankly, with the short notice I think there will be some element of loss of trust in the Assembly. For all those reasons, I really do urge Members to vote against all parts of this proposition.

The Bailiff:

Thank you very much, Chief Minister. Deputy Young.

Deputy J.H. Young:

I am very pleased that we are having this debate in public. I think in July last year we had a similar debate and of course we have all kept an eye on the events since then. Obviously not being in the competent Ministers' group, of course, I have not had the benefit of conversations with S.T.A.C. I think the last input I was able to do, as we all did as States Members, on the briefing on 19th March when it was announced what the forward plan were. I think this is a really good opportunity to take stock of what has happened over a year. The Island has incurred £190 million of public costs to respond. We have had very, very significant effect on our society. There has been very, very substantial disruption. Health, we have a backlog of health treatments and so on that people are waiting for. Community life has been disrupted. Churches, events and sports and so on have all been affected and, of course, economic damage. Here we are now, we are in a period now where we have this really successful vaccination programme which is - and I will be clear about this - not yet complete. It is really important that we see this through and through the younger generations and no question about that. We are just now beginning now to get life back to normal. We can go to events. This Saturday we can go to Jersey rugby and enjoy a match. We can come together probably as an Assembly; I do not think we are too far away from that. We can have Island-planned events with public meetings and so on. We are getting back to that. I think that is really, really important as an island. What have we learned, looking back? We have gone through that. We have learned that, as every society in the world knows, border quarantine works, right back to the Middle Ages, the Black Death and so on, they knew it there and I think we have seen that. The societies have done that well, have managed the level of infections and the effect on their community. We have also known in those situations that the principal source of infection coming to those communities where there has not been a break from community spread has come from borders. Then, of course, vaccination programmes, the scientists now are working on this really hard to try and find out, what is the longevity of these vaccines? How long does the immune responses last for? We do not know. I think there is general talk, I think there would be a consensus that we are due for a top-up programme probably in the autumn, providing the scientists can come up with the next vaccines that address the enhanced risk of these variants. That is, I think, one of the major changes in the risk level that exists in other places. Because of the prevalence of the virus throughout the planet, the more the virus is out there, the more it mutates and the more then the ones that bypass the vaccines are going to be prevalent and that is what happens with natural ecosystems and viruses. We have got these, at least 3 variants there. We hear about them pretty well every day. What is not known and not yet known is that they have a propensity to bypass the immunity levels. We have learnt those things, I think. I notice what the Chief Minister said there, he talks about a really important principle this, is what we are debating here is what is the level of risk that our community should be prepared to enter into in order to make sure that life within our community can continue? Of course, the Chief Minister said there was not a significant increase in the level of risk, as a result of the difference between the numbers, the formulas that are planned to use, the one that the Scrutiny Panel brought forward and the one which is intended. I do remember asking this question last time, why have we chosen a different rate to others? I was told there is no real difference. Of course, what we see in the note, yes, we have got some numbers on that but I do not think that is the right question. That is, I think, to what Deputy Martin said, Deputy Martin said absolutely and agree with her, we have to have measures in place which are proportionate to the risk. In my view, proportionate to the risk, the risk is of the infection coming into our community; it is proportionate to that; that is the thing. I think

that any sort of risk management approach, one looks at not just the probability, the likelihood of the numbers but if it does occur, if the event does occur, what is its impacts? Obviously when you have a risk which is both very likely and high impact, my word, you have to put that at the top of your risk management lists. When it is low impact and low probability, you do not care. If it is high probability and low impact, you probably could live with it. But, in my view, if you have a low probability but a high impact, then I think it does require you to measure that risk and take proportionate measures and I think we have got here a proposal, I believe, to do that. Of course, what is my argument for that? Because we saw in the second wave where we did not have that in place. We did not have the quarantine and we introduced it and full marks that was done. But of course the infection levels went extraordinarily high and put us into the red bands and it took us several months to get back to where we are, virtually nil. I think our community has done wonders to do that; it has cost us but, my word, and now my hope ... because we do have to reengage, we do have to do this. Of course, we have not closed our borders at all. What I think the discussion is about is people are free to travel but how much inconvenience are we going to ask of travellers to help us keep our community safe? I think we are talking about ... I do not know how many day they are. What is the difference between a green and a yellow; 5 days? I do not know. Does it have to be 5? But the point is this, is that all the science indicates that a person travelling with a day not far or had a 5 day from ... thank you very much, I am pleased about that, so it is 5. I think that is what the challenge is, is that really too much to ask? How do you reduce that? What I do not understand is why have the airlines not produced pre-travel tests? Because that would deal with it. If people had 72-hour tests before travel, then we would not be having this discussion because that could be part of the normal procedure for people to travel. There is no sort of vaccine passport issue there because people get the test, you can travel and that is done by lots of society. Look at Iceland, they certainly do that. If you have got pre-tests then you do not have to have those quarantine arrangements, so I do not understand why somehow or other this is just not happening, so there are ways that that could be managed. For me personally, of course I can accept that this coming forward late is far from ideal, but of course there is an issue of better late than never, because what I do not want to see happen, here we are at the point where society is back to normal - and I am so pleased about this now and our mental health and everything can be recovered - and now we are at a point where we have to make a decision, how much risk are we going to expose our community to to that situation deteriorating? I think it is inevitable that with the borders we will see that infection go up. Nobody knows the time, would that be ... it will not be June, I do not think. Will it be July, will it be August? I do not know. I am really very hopeful, as we all are, we will have a really good summer and I certainly want to travel, but okay, I can afford it, so I do accept Deputy Martin's point that I can afford to quarantine for 5 days and I am lucky because I can work from home. I accept that, but I think that COVID is going to be around the world for a very long time and any thought that: "Okay, now we are all back to normal. We can just go in ..." I think this is a good debate and I think I am very persuaded by this because it seems to me quite a small change and I do think it is open to the airlines to do things. For example, all the people that want to travel, why can they not have 72-hour tests? What is wrong with that? Because it seems to me that would avoid this situation. This is where the airline industry needs to adapt. I am minded to support this and I am pleased to have the debate. By the way, I am sorry, right at the beginning I meant to say, Deputy Gardiner, thank you, because you articulated the argument so outstandingly. Thank you for doing that and hopefully I have not taken away from that, hopefully I might have added a few points there, but I am very minded to go along with the proposition.

Deputy S.M. Wickenden of St. Helier:

I wanted to speak because I want to respond to Senator Mézec, but first I have to say to Deputy Young that many, many, many working people in this Island cannot afford 5 days. They just cannot get that time to go away, come back and have 5 days. They do not have the luxury in that manner. That is what we are talking about, not people who have worked at the higher echelons and senior positions their whole life, people right now that really have only a few days' holiday and they have

to use them sparingly or in summer holidays because they have got children or the likes. They do not have the luxury of 5 days. I stood to speak because I was a little bit outraged by Senator Mézec's speech earlier, talking about generational fairness. I just thought it was outrageous that the Senator spoke for his generation that, let us be honest, last year in that glorious summer we had, was able to go out and have meals, socially distanced, with seating service only, enjoy the summer and go out, where there was a whole generation in Jersey that did not get that freedom, that were sat at home, fearful of going out of their house, of going to the shops. There were children in this Island that did not get to see their grandparents or their aunts or their uncles in that family unit that we know for children is so important. I think it was outrageous to declare that there was a generation that have not had their vaccines yet and it would be unfair on them if we were to do such today, as open in the way that we would. There were generations of people that were prisoners in their home that did not get to enjoy the same freedoms as the generation of Senator Mézec or even myself. Let us not forget that last year, certainly with the advice that is being picked out and quoted selectively from the minutes of September 2020, September 2020 was a different place to April 2021 or May 2021. The consensus of S.T.A.C. (Scientific and Technical Advisory Cell) and their advice now is that 50 is an appropriate figure to go forward, but let us not deny the children of this Island the ability to finally see their grandparents or their aunts or their uncles. Let us not deny the generation that was locked in their houses and scared to leave when other generations were out in the freedom and the sunshine of that beautiful summer we had, the chance to go and do that. I think it is outrageous to fight that generational card in such a manner when there were so many people that were not able to have the freedoms that the younger generation have right now. That is why they were the most vulnerable, they could not go out and that is why they are the highest on the list of the vaccines. I think we need to be fair, generationally fair, for the people that have struggled the hardest over this time of the COVID pandemic and allow them their freedoms now that we are getting to the right place. In that case, I will not be supporting this amendment and I ask other Members, on generational fairness, to allow that to happen.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition ... Deputy Pamplin.

Deputy K.G. Pamplin of St. Saviour:

I have been waiting to speak in this debate as a member of the Panel and also as somebody who has been scrutinising, as part of the Health Panel, the COVID pandemic all the way through. There is a few things I just wanted to raise at this stage. First, as others have stated, it has been an experience for all of us, no matter what side of the aisle you sit on, and I have the utmost respect for everybody who has been involved in the decision-making process, including the Council of Ministers and Competent Authorities and their decision-making. It has not been an easy process and they have done the best that they can. The same goes for Scrutiny. We have tried under the same but different pressures to provide the service that is expected, as the third voice of this Assembly, to be a critical friend and we have all tried to juggle our many roles of this Assembly to do that. To make the point of why we could not bring this earlier, we have now the 3 weeks in between States sittings this year and of course we had the Easter break as well, so there has been an extended time between sittings, so we have tried our best to meet, as Ministers have mentioned, write to Ministers and work around everybody to try to get as much available information to try to bring something that we think, as Deputy Young said, it is important to debate in the public domain, so we can air all sides of concerns from Islanders. Yes, it would have been more ideal to do this earlier. I also stress that again, when dealing with matters of this pandemic, there have been many times when we have not had the luxury of time and we have reduced lodging periods because it has been the right thing to do because time is against us and it is important that we have debates regardless. There has been many times when we have had very little time to scrutinise certain things that have come through and then voting. It

has been part of this pandemic, which we have all tried our very best to manage and it has not been easy. Also I wanted to raise the point, as others are making, of where we are right now. The Island is in a very grateful place and we cannot forget and pay tribute to all our Islanders who have been through this and gone through different experiences of this pandemic, as many have outlined. It is to the great, great efforts and tributes that we have to pay to Islanders who have gone through this experience and done what has been asked of them and more. They are in the same place we all find ourselves in. We find ourselves in a good place if we look at what is happening in India right now and we look at some places of the world who are struggling with their vaccine, like Australia right now, and other areas of the world who are still in the grips of the pandemic that rages on. We are very fortunate and we are very blessed and very lucky for where we live on this Island and where we are in this place. Because of that, we know, alongside the vaccination and following the mitigation and the advice from Dr. Muscat and others, we are in a good place. Islanders have been great at wearing masks, at washing their hands, at following general guidance, but we are in this place. There is of course wariness, I would say, I think that is the right phrase, of Islanders, who are generally wary that the other main protection that we have as an Island is our borders and the things in place that we have on our side, we have - again, ahead of many other jurisdictions - testing at the borders. When we look back in time at certain bigger countries of this world and where they took longer to introduce such border policies we will be standing the test of time, but we here have had that testing regime at our borders, and again we pay tribute to that, because that has been a massive part of our success. However, we have mentioned in the report the situation in December. We are absolutely aware it was of that time and different circumstances, of course. They are only similar in this situation in terms of the place that we find ourselves in now. As I said, there is a lot of noise about variance at the moment across the world, but particularly in the United Kingdom. It is good to be wary and it is good to keep a close eye on things and that is what we have tried to do through this whole process and trying to bring something to the Assembly because last September, October, November, we were in a similar position. We were wary of where the U.K. (United Kingdom) was heading, where we were heading. We did not have the vaccination rollout in place at that stage and of course there was wariness about a variant that had been picked up in the U.K., which before we knew it did escalate and very quickly, so suddenly parts of the U.K. and us had to take immediate action very quickly, much to the detriment of all of us who did not want that to happen. We are seeing the continual wave of that in France and parts of Europe right now, but thankfully they seem to be rolling out their vaccinations, but they are still dealing with that. There is wariness and we thought it was only right that we have a debate in this Assembly so we can draw out all the facts and information, instead of behind closed doors with meetings and briefings. We just think this is the people's Assembly and it was right that we bring this forward. The U.K. Chief Medical Adviser, Professor Chris Whitty, said that obviously they are very cautious and they are confident that the path that they are in now does look better, but we should expect bumps and twists along the way. The most immediate problem, he said, was likely to be local outbreaks and variation in uptake between different areas leaves some places particularly vulnerable. Meanwhile, in the longer term of course variants that could spread more easily because they evade some of the immune responses could come into play, he went on to say. So that is where we are now, where we are fully aware that the U.K. are doing surge testing. Even though those numbers are small - it is important to stress again, not to be alarmist, they are small - of the variant discovered in South Africa and the variant which is causing great trouble in India, that they have the potential, if not maintained, as the U.K. comes out of lockdown it could have an effect. What we wanted to seek to say is we do have an option here, like we had previously, which as the Chair pointed out was a political decision with these guidelines that we are trying to put forward for debate now. I just wanted to raise all those points. I have always tried to be fair and balanced in seeing both sides of everybody's point of view during this pandemic. I have always stressed this has always been down to a lot of things: communication and regular information being provided in a way to Islanders. I say it again because I have got the opportunity, I know we may have different views about this, but Dr. Muscat, when he speaks, is such a voice of reassurance to Islanders. It is all very

well and good he coming to speak to us as States Members and we do our best to translate that to the public, but if he could regularly speak and advise and educate and explain where we are, where the U.K. is, what the variants mean on where we are, it will go some way to help Islanders as they go through a wary period of welcoming the travel expansion that we see. It is also fair to say that looking at the numbers for bookings in the first couple of weeks of May, you are looking at about 100 people flying into the Island a day at the moment and that may go up, so I think that context is important. We all want to get to the summer, we all want to see as much, especially for the local travel companies, who have done phenomenal work to keep their businesses going. They need it, we need it, and of course, as others have said, it is part of humanity to be connected with the world. We just wanted to bring this forward from a place of ... there was a similar previous before in December and the decision was taken not to do this. The U.K. is unlocking now, France still has a problem but is getting better. We are here in the middle saying: "There is a wariness about doing this, but if we are convinced ..." and I am grateful for all the comments and information that has been provided and that has been made public. I think that is going to help, but we have just got to remember, while we are in a strong position and the U.K., it seems they are in a strong position as they are unlocking over the next few weeks and months, nothing should be taken for granted with this virus. I look forward to hearing the rest of any issues in the rest of this debate and the Chair in summing up.

The Bailiff:

Thank you very much, Deputy. Does anyone else wish to ... a point of clarification, Deputy Martin.

Deputy J.A. Martin:

Yes, from the Deputy. Thank you, I was not quite sure he was on the Panel. Yes, and I did ask if the next Panel person who spoke, because the other 2 had already spoken, about the actual meetings. He spoke greatly about Dr. Muscat and his S.T.A.C., but have they met? If they have not, what was the issue? Would they not meet with them, because ...

The Bailiff:

I am not sure that latter part is a point of clarification, but I think the first question is. As meetings have been referred to, it is reasonable to ask if there have been meetings as a point of clarification.

Deputy J.A. Martin:

Yes, that is fine.

Deputy K.G. Pamplin:

Yes, happy to say that we have had meetings. I do not have the full schedule in front of me, but I am sure the Chair will help and sum up in his summing-up, but as I alluded to, we have had the Easter break and we have written, we have spoken in the briefings and meetings that States Members and Scrutiny members have had, but I will allow the Chair to clarify any further if needed.

The Bailiff:

Thank you very much. Deputy Guida.

Senator J.A.N. Le Fondré:

Sorry, could I just seek a further point of clarification? The chat probably did not get to you in time. When Deputy Pamplin referred to meetings, did he mean Scrutiny meetings? Because I think the question from Deputy Martin was whether the Panel had met with S.T.A.C. and when.

The Bailiff:

That was, I thought, what the question was being asked, Deputy Pamplin, so if you are able to assist on a point of clarification or it may be better to leave it for Deputy Ward's response. That is a possibility as well.

Deputy K.G. Pamplin:

Yes, like I said, I am scrambling to get up all the calendar and diaries and meetings. I will assist the Chair in his summing-up and I am sure he will cover it as well.

The Bailiff:

Very well. Deputy Guida.

Deputy G.C. Guida of St. Lawrence:

I would like to talk a little bit about risk and appetite for risk. People have been talking about some having more of an appetite for risk than others. Everybody sitting in this Assembly today has an appetite for risk because they got out of bed and they went out and drove or cycled or walked to the Assembly. Even people in their homes have an appetite for risk, because they left their bed again and they are now working with computers probably connected to electricity. To live we have to have an appetite for risk, but of course it has to be reasonable. That is the problem that we have today. COVID-19 is not going to get better. We are reaching the point where most of our population is going to be vaccinated and the illness is going to stay. Not only it is going to stay, but it is going to mutate, it is going to change and we will have different viruses every year. This is the new normal and we have to decide what sort of new normal do we want. Do we want a new normal where we have closed borders and anybody coming in must spend 14 days in isolation? What about complete quarantine, just have a hotel at the airport and they just do not leave the airport until they have shown for 14 days that they had nothing? We have to live with this. Any restriction that we make now, there will not be a good reason to take it away in 2 months' time or 3 months' time. We will not be able to say: "Well, it is fine now, so everything can come back to normal." We have to live with it. The green, amber and red system that has been proposed is very, very reasonable. It is very, very small numbers and considering that we will be testing everybody, the risk of anybody coming through is extremely low. It is extremely low, and it is very important, it will not improve. There is no chance that in the world there will be less than 25 cases per 100,000 anywhere in the world because many people will not have been vaccinated, many people are asymptomatic and this virus, like the flu, will remain. What if we did the same thing about the flu? The flu is also deadly, it is also really nasty and annoying, so what if we said: "Well, any country that has more than 25 cases of the flu per 100,000, they cannot come here, or they can come here, but they have 2 weeks' quarantine"? It just does not work. This is how we have to live with it, and it has to be reasonable, it has to allow us to lead a normal life.

The Bailiff:

Does any other Member wish to speak on this proposition? If no other Member wishes to speak on the proposition ... Deputy Higgins.

Deputy M.R. Higgins:

I do apologise, there must be a delay in this thing. I typed as fast as I can. In fact, I was prepared to send. Can I just say at the beginning here, very often in this Assembly we have to make very difficult decisions and sometimes they relate to issues which at the time we make them there is no obvious right or wrong answer and only time will tell whether we have made the correct decision or not. Very often these issues relate to items which divide Islanders and Members are damned by half the Island if they vote one way and damned by half the Island if they vote the other way. Now, the decision to accept the proposition that has been put forward by the Safer Travel Guidelines Review Panel is one of them. I am a member of this Panel and even I do not know at the present time whether I will be supporting our own proposition, but I do believe the Assembly should debate this matter and examine the issues. In fact, I believe more COVID-19 matters should be debated in the States and not just by the small number of Members who decided these matters at the height of the pandemic when speed was critical. Whether we have come to the right decision or not, as I have already said, will be

determined by time and whether or not we experience a third wave of the pandemic, and if we do experience the third wave, the effect of the vaccine programme in preventing death and serious illness. It is one of these awkward ones. We have been told repeatedly it is an unpredictable virus and we are only just over a year from the introduction of the virus into the Island. From that time to the present we have learnt a great deal. When it arrived, we were told that it could overwhelm the health service, as we were not prepared. We did not have sufficient P.P.E. (personal protective equipment), we did not sufficient ventilators or C.P.A.P. (continuous positive airway pressure) machines. We were being advised by the doctors that they needed the power to determine life and death, decide who they could treat and who they could not. We invested in the Nightingale hospital, which I fully endorse, because we needed to have an insurance policy if things got bad. Looking at the figures, they were exceptionally bad with the possible projections. So we have this virus, which yes, things have got better because, most surprisingly, the scientific community and the pharmaceutical companies have managed to produce vaccines in record time, which give a measure of protection, but what we still do not know is a great deal about this virus and we are seeing it day by day. We are hearing of new variants, the one in India, for example, which is not in the highest category yet because they have not been able to measure the effect of it, but it could be pretty bad. We also know from figures coming from the United States that the virus is breaking through vaccinated people and they can get the disease. Even people who have had the disease are finding they are not immune from the virus. Now, it is relatively small numbers at the moment, but it is a cause for concern and is being monitored. It is one of these things here, it comes down to each person essentially has got to come to a conclusion about the amount of risk we are going to take. For example, the Chief Minister and others have mentioned about balance of risk and the truth of the matter is each one of us has a different sort of, we could say, fulcrum, it swings and balances in different directions. Some of us are more wary, and if you have been shielding for a year and you are vulnerable, you are going to be very wary of increased cross-border activity. On the other hand, if you have been locked up shielding - and many people have - and you have got a very small flat, you do not have a balcony and you have not had a garden and you were locked in it for quite some time and you did not have the freedom that you had, it is the equivalent of being in prison. Yes, you want to get out and you want to enjoy more freedom. There are many people who feel the Island is a prison in the sense they cannot wait to get off the Island and go on holiday. There are others, yes, who have a genuine desire to go and see their friends and relatives in the UK, especially the elderly. I know one States Member, for example, is in the U.K. at the moment because an elderly relative is poorly and may not survive. Yes, they want to be there. Now, I can understand all these issues. There is competing desires on the part of some people, some want open borders, some want a more restrictive or more gentle opening up. Some people may feel we made a premature decision in deciding to dismantle the Nightingale hospital because the counterargument is that the vaccine means that if you get the disease, it should not be as severe, you may not get the cytokine storm that everyone is afraid of, where your immune system attacks you and make the thing worse. We have still got issues to do with long COVID. There are many people who had the disease who are suffering from neurological, cardiac and ... sorry, I am just trying to think of the term. It is to do with lungs, it is the pulmonary ... sorry, it has escaped me, anyway. But there are lots of issues to do with long COVID that we do not know about. We also know about the cause of the backlog to the hospital of all other types of ailments and the fact that people are not getting operations they need or are not getting this or that. Members have got a very, very difficult decision to make here. As I say, we are going to be damned if we do and damned if we do not, and it all will come down to our individual view of the balance of risk. All I can say is I still have not made up my own mind and, as I say, if other people are going to speak, maybe I will make my decision. Yes, thank you, Deputy Alves, for the pulmonary oedema, thank you. All I can say, it is a difficult decision and I hope the public will go with us. Imagine you are faced with the same situation, because you are not only determining it for yourself, you are determining it for others in the Island and the more vulnerable. Yes, I hate to mention it, but also the economy. I accept the argument that we need to have the economy ticking over. We have

already seen damage to it and we have spent £190 million to date very largely - or £100 million at least - on the co-funding scheme. Many businesses, yes, are probably teetering on the edge and if we continue to be more restrictive, some of them may fail and then we have the problem of unemployment. So it is no simple answer one way or another. All I can say is bear with us. We are trying our hardest with a very difficult decision.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? Deputy of St. Peter.

Deputy R.E. Huelin of St. Peter:

Over the last year, we are starting to live with COVID and the reason we are doing that is we owe a great debt to the fantastic scientists around the world who have managed to, in record time, bring vaccinations - multiple organisations, multiple countries working together - today to this Island, which means we can have a debate about our borders. We must thank them for that. That also means we can start to live with COVID. Now, Deputy Guida brought up a very interesting point about flu. We live with flu. Sadly, as many as up to 5 people a year die in this Island of flu and we have a vaccination rate of something like 70 per cent of people are vaccinated with flu, but it is a fact and we have learnt to live with it. We do not have a daily forecast that comes out in our inboxes telling us how many cases of flu they have and whether they were caught at the borders or not, we just live with it, and I think COVID is something we are going to have to do the same and take thanks for the advice that we get. We have been looked after very well and our S.T.A.C. and our track and trace team and our vaccinators have meant we are in a situation today that we could publish a month ago our traffic light system for our safe travel policy. We again thank them for that. That was published a month ago with no objections until this proposition was lodged a week ago. I agree, it is right to debate it. The Island needs to know our thoughts and what we are thinking and the care and consideration we consider in coming to our decisions, so I am supportive of this debate for that reason. Now, when this traffic light system was published a month ago decisions started to be made, be it hotels over here, be it airlines, be it Condor, be it whatever, starting to plan in order to open their businesses to welcome us in staycations or to welcome tourists to our Island. They do not just click a switch and off they go. There is a lot of planning that is involved and that is the real point. I am going to use an example of a decision that has been made. It is small in numbers, but it was very, very high in profile, and that is the decision that British & Irish Lions have taken to come for a 2-week training camp here before going to South Africa. Whether you agree with it or not, it is not relevant. The point is it is a decision that they have made, based on what they have seen here. They see a great Island, they see great sports facilities, they see hotels opening up and they see an area that they can be safe. Now, if they look at this and see that we have changed our mind at the last minute and changed the strategy, which means we might not be as welcoming, we might not be as ideal, the great publicity we gained will spin on a sixpence and become negative publicity. Now, do not take it that this is a pitch for the lines of rugby fans, as everybody knows, it is not a pitch for that, it is just an example of all the many, many decisions that are being taken when we publish something that we are going to ... and the conditions of which we are going to open up our borders. So I leave it with that thought. We must be consistent. Deputy Martin and Deputy Pinel talked about consistencies. We must be consistent with our decision-making to those who we serve and who we look after, that they can make plans around our decisions and we give them as much notice as possible. With that, I say thank you very much.

Deputy K.F. Morel:

I pressed the wrong button, apologies.

The Bailiff:

Not at all.

Deputy K.F. Morel:

I am very pleased to follow the previous speaker, because I too just really want to say that it is absolutely right to have this debate and it is absolutely wrong to criticise the length of time for preparation for the debate because the travel policy was announced a month ago. The Scrutiny Panel will have had to have time to read, digest, understand, speak to people, come to their own conclusions before they then have to draft a proposition, lodge the proposition and so on. There was only ever going to be a short time for this debate, but it is entirely right to have it. The reasons it is right to have it principally are because, I am sorry, the travel policy in October, November and December last year was disastrous and led to deaths that need not have taken place. That is a disaster for every single one and I believe it is 32 people died from December. Those, in the main, need not have happened. I know of at least 2, and one person personally, who passed away from COVID in January, before their time, and for that reason and in respect of their memories it is right that we question and we discuss among ourselves whether or not we are happy with this travel policy. To hear members of the Council of Ministers saying: "Oh, not enough time. Oh, this was lodged so late", it is not right. There must be respect for the Scrutiny process, there must be respect for alternative views to be placed before the Assembly and it is right to debate them on the facts, on the opinions, because risk is an opinion, at the end of the day. We have heard that from different people and that is why we are here. I am just incredibly disappointed to hear members of the Council of Ministers throwing those accusations at the Scrutiny Panel, who I know are just trying their best, doing their best and just want the Island to feel assured that this travel policy has been looked at, has been passed through 49 Members of this Assembly and we have come to a decision as to whether it is the right way forward or not. The Island has every reason to want that to take place and those 32 people who lost their lives in December and January, we owe it to them to make sure that we do not make the same mistakes twice, because in my view those were mistakes and there is no higher cost than the loss of life. We can look perhaps at Jersey's figures and say: "Well, 69 people in 100,000, that compares well with other jurisdictions." That is the high-level view, but we are a small community and the high-level view does not always stand. Like I say, the person that I knew who passed away, it is difficult when I think of them to take that high-level view and I think that we need to just look at ourselves and think it is entirely right that we have this debate today. There is another reason that has been mentioned. I believe Senator Mézec mentioned it. It is in the language of the justifications for policies over the course of the pandemic. Islanders have consistently cried out for straight talking and we heard earlier about references to: "The medical advice is X, the medical advice is Y" and then we see the S.T.A.C. minutes and see that it was an entirely political decision. Some may think that S.T.A.C. is there to make those political decisions and that is fine, that is not a problem, but the problem is the use of words to make it look like it is an entirely medically led decision, when it was not. There has been some clever use of language at times to try to say: "Well, we listened to the medical advice and we came to this conclusion." It does not mean the medical advice was that conclusion. That is absolutely correct and the English language allows all of that, but Islanders, since March 2020, have just been asking for straight talking. That has not been there throughout the pandemic, and as a result I can understand why some people, particularly in this Assembly, and having been on the Scrutiny side of the arguments at times, I was crying out for some straight talking. In the absence of that straight talking it is entirely right that we sit here and have a debate to ensure that we get the matters straight and understand them fully. I personally will not be supporting to move to 25 for 100,000. I think we are in a position with the vaccine where we can take that slightly higher level of risk. That is my opinion. I do not know how many other people in this Assembly share that, I will find out when the vote is taken, but I just want those people who are stood up, particularly on the ministerial side, and seem to have been angry that Scrutiny have even brought this, to them I say you are wrong. It is completely correct that Scrutiny have brought this. It is their role to bring this. That is why they are there. Given the cost of that failed travel policy back in October, November and December, the cost

that is counted in lives, I think we should just take a few minutes and realise that we are doing the right thing today, regardless of the result. The debate is correct and anyone speaking after me, if anyone does, should not criticise Scrutiny for bringing this debate today. It is the right debate.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on this proposition? Senator Farnham.

Senator L.J. Farnham:

I am pleased to follow Deputy Morel and my political colleague and Assistant Minister. I want to start just by referring to the loss of life, which is tragic under any circumstance, but I cannot help but being concerned about the non-COVID related issues, the loss of life and the problems we could have coming down the line at us as we move through the pandemic. Thankfully we hear today that in the U.K. COVID is no longer the major or the top cause of death and thankfully heart disease has, sadly, overtaken that, but I think we all realise that while we have been focusing on the pandemic there has been significant other loss of life. I know, because I speak to a number of medical professionals and G.P.s (general practitioners) and people on the front line and it has been quite harrowing, the stories they tell of other illness and the fact that because people have been responding to the pandemic and have been scared to go out they have not sought other medical treatment. We have seen that because treatments and screenings for terminal illness are considerably down in a number of countries. I think Jersey has fared relatively well. We have kept that going as best we can, but people who have had concerns and aches and pains and lumps and bumps that they have not got sorted. Sadly, for many it is too late. That is one of the reasons why we have to push through this pandemic. As other Members have said, it is with us for ever, we have to live with it, we have to adapt. I just want to speak a little bit about the economy, as it is within our remit or my remit. I will not castigate Scrutiny for bringing this. I think it is a debate that needs to be had and it will probably need to be had again in the future, but if this were to be approved, it would cause significant upheaval to Islanders and visitors, our travel plan, not just for now, but it would impact many months ahead. We know that people like to plan in advance for travel and so it is not something that would be a glitch for 2 or 3 weeks, it would affect bookings and trips for all sorts of reasons, including health and well-being and reuniting families for some time, as many would have to reschedule their travel arrangements. Of course it causes more uncertainty for our already beleaguered transport partners. We know that the airlines and the shipping companies have been very hard hit. They have assets waiting to be utilised and they need certainty to do that. I think also there is an element of further reputational risk because we have made the announcement weeks ago and to cancel at the last minute I think is not sensible, given the risks or the benefit/risk. Having said that, it is important that we remain alert and we remain, as we always have been, in a position to act swiftly should we need to. I can give that, from my ministerial portfolio, absolute reassurance and I am sure I speak for not just fellow Ministers, but all Members of the Assembly. If we are called to act quickly, we always will and that option remains on the table. Islanders have flocked in their thousands to be vaccinated. Over 70,000 jabs have been administered voluntarily and I think that is because Islanders, of course they want to protect themselves to reduce the potential harm of COVID, but they also want to get back to normality. They understand that COVID is with us for ever, they understand we must adapt and they understand we have to live with it. Life is full of risks; COVID is another risk that we have to add to the list. Some Members have said that we should perhaps wait a bit longer until our vaccination programme is complete. Our vaccination programme will never be complete. I think Deputy Guida referred to that. Of course it is not complete, it is a rolling programme just like the flu jab, so when all Islanders who choose to be vaccinated it will be time for the boosters. What do we do then? Do we come back in 3 or 4 months, when everybody who wants to be vaccinated and say: "Right, we have got to hold things up a bit further because we are back to the beginning again now and those that were vaccinated at the end of last year, they have got to have their booster, so we are going to hold

back until they have had their boosters”? We have to live with it. I am reassured by the advice of our scientific and technical and medical advisers and I speak regularly to them as a group and individually. It is more than a consensus. I think all of our advisers will tell you that the vaccination programme significantly reduces - up to 95 per cent in most cases, and even more, 100 per cent in some cases - the risk of serious illness. Most of the people coming to visit us will be vaccinated, either with one and ultimately 2 jabs. Most of us on-Island will also be vaccinated, which significantly reduces the risk of serious illness. Of course it does not eliminate it, but we know that. But if we do not push forward through the pandemic, then we are going to continue to suffer, our general health and well-being, our economic health and well-being will continue to suffer. That is at the heart of our lives and the heart of our prosperity. I think this debate is worth having. The proposition was well meaning. I think it is a little over-cautious considering the progress we have made and to that end I would also urge Members not to support it, but thank the Scrutiny Panel for giving it their consideration and bringing it.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and I call upon Deputy Ward to respond.

Deputy R.J. Ward:

It has been a long old debate. In fact, there have been 16 speakers. I numbered them as they went; I thought that might be useful. I would like to thank everybody who spoke and I would like to thank the Panel for generating this debate as well with this proposition. I want to make one thing very clear about timings because I think the criticism of Scrutiny over this is absolutely unfounded. We were briefed one hour before the States Members were on the 19th. The week later was the States sitting and we had to get the Panel together, we had to decide what we wanted to do, gather information and decide if we would bring a proposition. Turning it around in that time is quite miraculous and I would like to thank the officers who worked so hard, even during their Easter break, to try to produce this. That is the reality of Scrutiny. I would like to thank Deputy Morel for recognising the work of Scrutiny and what happens in the reality of it, so I think I can deal with that timing issue and I am very pleased to do that. I would like to thank Senator Farnham, not simply for not going on for long, that is not fair, but simply for being dignified in his rebuttal of the proposition. It is always nice to have a debate on a better level than that, because not everyone went there, but that is okay. I will go through as much as I can do and try to spare people as much as possible a long, long speech, but it is polite to respond to people when they do make a contribution to a debate. Deputy Renouf, I have a great deal of respect for the work that you have taken on as Minister for Health and Social Services and I honestly say that taking on that role at the moment must be one of the difficult things on this Island. Scrutiny may have been challenging, but that does not mean we are not supportive of the work that people do. I want to publicly say that, including obviously all the health staff, they do remarkable things, and all of the staff who have dealt with this. In terms of the numbers arriving, I asked that question because we have received data, we have asked for data, and somebody mentioned that later on. Unfortunately, it is not in a particularly useable form and I will pick that up at the Public Hearing. Can I just say about timings we requested a Public Hearing on the 25th May? The first date that was available was 23rd April, so that is why the Public Hearing is where it is and that is why we brought this proposition before the public hearing. It is a question of practicality. That is what happened. The Minister for Health and Social Services did use the phrase: “not linked to any imminent threat.” I am not sure I do agree with the Minister for Health and Social Services on that one. I believe that COVID is an imminent threat still and I would like to address a few Members who spoke. Deputy Huelin mentioned it, a couple of other Deputies, Deputy Farnham ... Senator Farnham - sorry, I am getting used to the removal of Senators there too early - mentioned the flu. COVID is not simply the flu. COVID is a very different virus. COVID has hit this world in a way which none of us could have expected. The science around COVID is new, it is new every day, it is

new every week. Its behaviour changes because of the nature of the virus itself. Viruses are remarkable things, they do remarkable things and this one has taken hold. To downgrade it to this notion that it is a flu - I think it was Deputy Guida said it as well - I think underestimates. We need to be very careful about it and we should not be doing that. I think I dealt with most of the things from Deputy Renouf regards dates and so on. Constable Buchanan, I agree regards testing, I agree regards updating the vaccination. Do we rely on vaccinations simply to open borders, because I think ...

The Bailiff:

I am sorry to interrupt, Deputy. Senator Farnham asks if you would give way. He does not explain why he wants you to give way.

Deputy R.J. Ward:

Yes, of course.

The Bailiff:

It might be for a point of clarification. Is it for a point of clarification?

Senator L.J. Farnham:

No. I just think it is important to point out if I had indicated myself ...

The Bailiff:

No, I am sorry, Senator, there is absolutely no provision for interrupting a speech other than on a point of clarification or a point of order, sorry. Please carry on, Deputy Ward.

Deputy R.J. Ward:

That is okay, it gave me a chance to get my notes ready so I did not have that awkward pause; it was filled by Senator Farnham.

Male Speaker 07:26 file 8:

As it often is.

Deputy R.J. Ward:

As it often is. I am not questioning vaccines. I was a science teacher. I think science is a great thing and I would urge everyone to get their vaccination. Without vaccination, I believe statistically a third of this room will have died before the age of 5, so without those things ... they are very, very important. But we cannot put everything on to vaccination in terms of our travel and the spread of this virus because there is a very important fact, which is a worldwide fact, that is until everyone is vaccinated, this virus will mutate and it will change. Because we have international travel, it will spread in those forms and so we need to get out of this together. The borders are one area of protection that we have. I want to reiterate something from what I said originally, which is that we are not talking about closing the borders. We have never said close the borders. Deputy Gardiner made a very important point when she said the borders have not ever been closed. This is about how we open them further and the level of risk that we are willing to take when we do that. Yes, that is a key point. I want to come back to that risk. I would like to thank Deputy Gardiner, who I knew was going to produce that type of speech because she has the data and I am so pleased to be working with her on this in terms of doing that and I thank you for putting all of that data regards S.T.A.C. minutes. This came from the fact that we finally got access to S.T.A.C. minutes, we looked at the patterns that had happened before and what we are saying is please let us be certain that it does not happen again. Now, there have been assurances today and it will be up to each individual Member to talk about those assurances. Can I thank Deputy Higgins for being so honest and saying: "Yes, it is good that we have got this debate"? Even as a member of the Panel, he is not certain himself. That is absolutely

fine, because as a Scrutiny Panel that is what you do, you bring things forward as a collective group of different voices. It shows that what we have done with Scrutiny here is the right thing. He also made a few other points that I will come back to. Deputy Martin talked about science. First of all, the vaccination is not a miracle, it is science. In terms of evidence, I am not entirely sure what you mean by evidence. If you want a scientific research paper, then no, you are not going to get that from Scrutiny because we do not have the time or the resources to do that, but I did make clear in my opening speech that what we are doing today is saying that one of the decisions made to change the classification levels was a Government or political decision and Scrutiny's role is to review the decisions made by Government. That is what we are doing, asking this Assembly to put your cards on the table and say do you agree with the levels that we are going to go with on Monday or do you believe we should go back to those in July. That is equally a political or an Assembly decision to be made and that is what is in front of you today. In term of risk aversion, I would have to say, Deputy Martin, I am very risk averse. If my wife was listening to this, she would be laughing heartily and so would my children. I never let them walk along that wall along the seafront, I always imagine that they would fall off and that would be the end of everything. I am incredibly protective towards them and you are protective towards people that you care about and things that you love. I care enormously about Jersey and I love living here, so if I am over-cautious about protecting it in this way, then I make no apology for that. That is absolutely the case and I think many people feel that way. It is that level of risk that I think does focus this debate. I thank Deputy Martin for bringing that up. In terms of this notion of workers suffering, I am sorry, that is a classic strawman argument. If we are talking about working people suffering, then perhaps we should be voting for a living wage, but anyway, it is not about exclusion of people. Indeed, there is perhaps some evidence that it was those who can afford to travel off-Island that may have been part of the problem before, so let us not get down that line. In terms of clarity and safety, that is what we are talking about today, and we are talking about leadership, leadership from the Assembly, this Assembly saying: "We will lead by saying we think this is the right thing to do" or: "We believe there should be a change." I absolutely respect and I have no problem with people in this Assembly voting against it. If they do, I am not going to hold anything against you and neither will anyone in the Safer Travel Panel. We brought this for this debate. We have had too good a few days and too much of a positive change for that to get in the way of anything. The Chief Minister, what he said, an interesting number about 62 per cent of the areas would shift to amber if we made this change. That does show that there are a significant number of areas that are on that cusp of being risky, of being a problem. I would be very aware of that in the scheme of things when you are balancing up your risks against benefits. I think there is a primacy issue here of what are we trying to do here. We are talking about 2 different things, I think. We are talking about what level of risk we are willing to accept as an Island that may spread the virus and bring another wave. If that happens, that affects our vaccination programme, it affects the well-being of people on the Island. It certainly does affect some parts of our population who have not been vaccinated more than others. That is the risk we are talking about. If people have booked holidays, that is a different issue. If the price of that is some isolation, then that is the price of that if the risk is agreed to be needed. That is what we are asking the Assembly to do. That is the point that we are making here. Deputy Young, he is right about a debate in public and the lack of them. In terms of normality and the vaccination programme I agree. We do not want to put any risks to the vaccination programme. I have had my first vaccination, I am waiting for my second and I am very pleased to have done that. I am very thankful for the world of science who has developed that. I will say that the vaccine I had was developed with public funding, by the way, and not through greed.

[Approbation] Deputy Young - I am sorry, my notes got a bit garbled then - regards virus suppression and about impact if it occurs and it is absolutely right. It is a really important equation. If it is a large impact but low risk, the impact is still there and when we risk assess we do need to address that. Deputy Wickenden, I am not entirely sure what to reply to you. I think you may just have had an issue with something Senator Mézec said, so perhaps you need to have a chat with him about that. Deputy Pamplin, you were correct re timings and the Public Hearing dates. It was the

first available; I have made that point. Deputy Guida, I have said to you before, the analogies you are making with flu I think are concerning to me. Yes, we will have to live with COVID, just as in some areas of the world they live with SARS, for example, which is why they probably adapted better to the risk of COVID because they are used to distancing and masks and those public health measures, which need to be happening. I would also say though that a number of other public health measures are being loosened at the same time as the border is opening and that is a concern that I would have in terms of distancing, et cetera. Deputy Huelin, as regards the British and Irish Lions, I am not entirely sure it is analogous. Unless he is suggesting that every tourist that comes we pay their hotel bills. I do not think that is going to happen because it does little for the economy. So there is a slight difference there. I too enjoy watching rugby and it will be marvellous to see. But there are more important longer-term issues for this Island than just that event. We cannot build our economy upon popular sporting events. There needs to be much more to it than that. Deputy Morel, I thank you, because although you are not going to vote this way, you made a very good point and you explained why this debate is needed and I thank you for that. There are times at the end of a debate after 14 speakers that one does feel a little bit put upon, although I do not take it personally. I will blame the rest of the Panel obviously. But I respect your choice. It does not worry me that people get angry and there has been an anger it seems, a slight anger from Government, and I would say be careful with anger. It leads to fear and that obviously leads to the dark side as we all know. We do not want that, do we? We have a simple choice. The choice in front of Members today is that you are happy to open the borders with the current classifications and the risk is worth taking and you agree with the Chief Minister, which is that changing that would have a smaller effect than we realise. It will not make any difference whatsoever and we are fine to go with that and that level of risk you are happy with. Or the Safer Travel Panel, and the clue is in the word “Safer Travel”, who believe that by changing it back to the levels that we had in July we would lower that risk and we would be in a better position. That is the first initial issue that you are asked to address. I should have said at the beginning, we are very happy to take the proposition in 3 different votes, in each part. I look at the Greffier as I do that so that they can start setting up a vote as they are scurrying away there. The second one is regions, is a very good question. We believe that from what we looked at before the regions that we used were successful. The argument regarding smaller regions being more focused, I am not entirely sure I agree with that. I do not think that is the case. But you have a choice there regards the larger regions or not. The third issue, I have to say this is the wrong word and I do not mean it that way to be confrontational, we have had too good a success over today, a really significant success today, to create problems. But I did think the Chief Minister somewhat dismissed the last bit of this. I am sure he did not. He would be more polite than that. But putting into this proposition about talking to scrutiny in advance is very important. As I say to you, the briefing we had before States Members was one hour for States Members. That does not give us a lot of time to do anything different from States Members and it makes no priority to scrutiny. That is very important, particularly if you are going to come to the Assembly and criticise scrutiny for its timings. With that, if I have left anybody out, I apologise. I do not think I have. So therefore everyone has had a mention. If I have missed you out I apologise. With that, there is a clarification from Deputy Martin.

Deputy J.A. Martin:

It was just that Deputy Pamplin, on the Panel, said he would hope you would cover it when you summed up about the meeting with S.T.A.C. (Scientific and Technical Advisory Cell), Deputy. Did you request it? Did you meet with them? Just out of interest, thank you.

Deputy R.J. Ward:

No. In the timespan we had available, we certainly did not have the timespan to meet with S.T.A.C. because we did not do that before the Public Hearing. Also, I would say that in terms of a meeting with S.T.A.C., I am not sure how many Scrutiny Panels have had a formal meeting with S.T.A.C. I do know, for example, some of the minutes, it is very difficult to see who attends S.T.A.C. and they

can be quite large gatherings at times, up to 30 people I believe at one S.T.A.C. meeting from all sorts of different areas. So I am not entirely sure how that would work. But I would say to you, Deputy, that, no, we have not formally met S.T.A.C. in that way because that is not something that I believe was possible. That may not be the answer you want but that is the answer we have. I hope that helps.

The Bailiff:

You have indicated that you are prepared to take these separately. It is highly within your gift, it is your proposition. It is not legislation, so you can have it taken in any way you want.

Deputy R.J. Ward:

We will take the 3 parts separately. That is what the Panel has decided. With that, I would say thank you to everybody for the debate. I will just say one thing just to sum-up just in one final moment. Debates like this and us discussing and making clear where we are coming from improves clarity and transparency for the population of this Island. Indeed, with COVID, what we need is to instil confidence in the decision-making process that is putting limitations on people’s travel, however they are, large or small. It is very important that we have done that today. So I thank everybody for that and I particularly thank the positive comments, whether they agree or not with this proposition. We had a good discussion of this proposition today. With that I ask for the *appel*.

The Bailiff:

The *appel* is called for. The first vote is on part (a) of the proposition and I ask the Greffier to place a link and I open the voting and ask Members vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Part (a) has been defeated.

POUR: 9	CONTRE: 36	ABSTAIN: 0
Senator T.A. Vallois	Senator I.J. Gorst	
Senator K.L. Moore	Senator L.J. Farnham	
Senator S.Y. Mézec	Senator S.C Ferguson	
Connétable of St. Peter	Senator J.A.N. Le Fondré	
Deputy L.M.C. Doublet (S)	Senator S.W. Pallett	
Deputy J.H. Young (B)	Connétable of St. Helier	
Deputy R.J. Ward (H)	Connétable of St. Clement	
Deputy C.S. Alves (H)	Connétable of St. Lawrence	
Deputy I. Gardiner (H)	Connétable of St. Brelade	
	Connétable of Grouville	
	Connétable of Trinity	
	Connétable of St. Mary	
	Connétable of St. Ouen	
	Connétable of St. Martin	
	Connétable of St. John	
	Deputy J.A. Martin (H)	
	Deputy G.P. Southern (H)	
	Deputy of Grouville	
	Deputy K.C. Lewis (S)	
	Deputy M.R. Higgins (H)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Martin	

	Deputy of St. Ouen		
	Deputy R. Labey (H)		
	Deputy S.M. Wickenden (H)		
	Deputy of St. Mary		
	Deputy G.J. Truscott (B)		
	Deputy L.B.E. Ash (C)		
	Deputy K.F. Morel (L)		
	Deputy G.C.U. Guida (L)		
	Deputy of St. Peter		
	Deputy of Trinity		
	Deputy of St. John		
	Deputy M.R. Le Hegarat (H)		
	Deputy S.M. Ahier (H)		
	Deputy K.G. Pamplin (S)		

The Deputy Greffier of the States:

Those voting pour in the link, Senator Vallois, Deputy Gardiner, Deputy Doublet, Deputy Ward, Senator Moore, Deputy Young, Senator Mézec, Deputy Alves and the Connétable of St. Peter. Do you want the contre?

The Bailiff:

Yes, I think the contre was asked for as well.

The Deputy Greffier of the States:

In the chat, the Deputy of St. Mary, Senator Le Fondré and the Connétable of St. Helier. In the link, the Connétable of Grouville, the Deputy of St. Martin, the Connétable of St. Clement, Senator Farnham, Deputy Ahier, Deputy Guida, the Connétable of St. John, the Connétable of St. Martin, Deputy Martin, Senator Le Fondré, Deputy Wickenden, the Connétable of St. Ouen, Senator Ferguson, Deputy Le Hegarat, the Deputy of St. Ouen, Deputy Pamplin, Deputy Truscott, Senator Pallett, the Connétable of St. Brelade, Deputy Higgins, Deputy Lewis, the Deputy of Grouville, Deputy Pinel, Senator Gorst, the Deputy of Trinity, the Deputy of St. Peter, the Connétable of St. Lawrence, Deputy Ash, Deputy Morel, the Connétable of St. Mary, the Connétable of Trinity, Deputy Labey, Deputy Southern and the Deputy of St. John.

The Bailiff:

We now place paragraph (b) into the chat, a link for paragraph (b) vote. The link is in the chat and I ask the Greffier to open the voting and Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. Part (b) has been defeated.

POUR: 12	CONTRE: 31	ABSTAIN: 0
Senator T.A. Vallois	Senator I.J. Gorst	
Senator K.L. Moore	Senator L.J. Farnham	
Senator S.Y. Mézec	Senator S.C Ferguson	
Connétable of St. Peter	Senator J.A.N. Le Fondré	
Deputy M.R. Higgins (H)	Connétable of St. Helier	
Deputy L.M.C. Doublet (S)	Connétable of St. Clement	
Deputy J.H. Young (B)	Connétable of St. Lawrence	

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

The final paragraph is paragraph (c). When the Greffier is ready I ask the Greffier to post a voting link. The link is in the chat and I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. That part of the proposition has been adopted.

POUR: 25		CONTRE: 19	ABSTAIN: 0
Senator T.A. Vallois		Senator L.J. Farnham	
Senator K.L. Moore		Senator S.C Ferguson	
Senator S.W. Pallett		Senator J.A.N. Le Fondré	
Senator S.Y. Mézec		Connétable of St. Helier	
Connétable of St. Clement		Connétable of Grouville	
Connétable of St. Lawrence		Connétable of St. Mary	
Connétable of St. Brelade		Connétable of St. Martin	
Connétable of Trinity		Deputy J.A. Martin (H)	
Connétable of St. Peter		Deputy K.C. Lewis (S)	
Connétable of St. Ouen		Deputy S.J. Pinel (C)	
Connétable of St. John		Deputy of St. Ouen	
Deputy G.P. Southern (H)		Deputy R. Labey (H)	
Deputy of Grouville		Deputy S.M. Wickenden (H)	

Deputy M.R. Higgins (H)		Deputy of St. Mary		
Deputy of St. Martin		Deputy G.J. Truscott (B)		
Deputy L.M.C. Doublet (S)		Deputy L.B.E. Ash (C)		
Deputy J.H. Young (B)		Deputy of Trinity		
Deputy K.F. Morel (L)		Deputy M.R. Le Hegarat (H)		
Deputy G.C.U. Guida (L)		Deputy S.M. Ahier (H)		
Deputy of St. Peter				
Deputy of St. John				
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 thank Members for the debate and the votes, 33 per cent is better than the Super League, thank you.

Speaker:

Could we have the contre votes please?

The Deputy Greffier of the States:

Those voting contre, Senator Le Fondré, Deputy Labey, Senator Farnham, Deputy Ahier, Senator Ferguson, Deputy Wickenden, Deputy Lewis, the Connétable of St. Mary, Deputy Martin, Deputy Le Hegarat, Deputy Truscott, the Connétable of St. Helier, the Deputy of St. Ouen, the Deputy of Trinity, Deputy Pinel, Deputy Ash and the Connétable of St. Martin.

Les Quennevais Park Flats: Loan Scheme (P.19/2021)

The Bailiff:

The next item is the Les Quennevais Park Flats: Loan Scheme, P.19, lodged by the Minister for Housing and Communities. For the purposes of the debate the main respondent is the Chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the proposition.

[16:30]

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to approve, in accordance with Article 6(4) of the Public Finances (Jersey) Law 2019, a variation to the purpose and terms of the Fund known as the 99-Year Leaseholders Fund to enable monies from the Fund to be lent to individual property owners for the repair of balconies on properties in Blocks A to H, Les Quennevais Park Flats under the terms set out in the Report.

Deputy R. Labey of St Helier (The Minister for Housing and Communities):

I am pleased to bring forward this proposition, which asks the States to approve a variation to the purpose and terms of the 99-Year Leaseholders Fund so that we can establish a loan scheme to assist property owners at Les Quennevais Park Flats, Blocks A to H, with repairs to their balconies. In bringing forward the proposition, I am grateful to Senator Ferguson for bringing this matter to our attention and to the Minister for Treasury and Resources for her support in developing the proposed loan scheme. This is an historic issue, but one which I believe the States has a moral obligation to assist the residents with. By way of background, the Les Quennevais Park Flats were constructed on

behalf of the former Housing Committee in 1963. They comprise 96 flats across 8 blocks, A to H, in a mixture of 99-year leasehold and flying-freehold arrangements. During maintenance of the blocks, defects were discovered on a number of the flats' balconies. With further investigating showing that the defects stemmed from using precast concrete beams for the balcony structures. This type of concrete is much thinner than ordinary reinforced concrete, which makes it unsuitable for external use because of the risk of corrosion and that the bolt fixings cannot sustain the force applied when someone leans against the balcony railings. Due to the time that has passed since the flats were built, it is not known why the wrong type of concrete was used in constructing the balconies or who was responsible for this oversight. However, the fact remains that the defects ought to have been reasonably avoided. I am therefore proposing to establish a loan scheme to assist the owners with the cost of repairing the balconies from monies made available from the 99-Year Leaseholders Fund. While the fund can already be used for the purpose of providing loans to repair the balconies on the 99-year leaseholder flats, the States approval is required under the Public Finances Law to extend the use to fund the flying-freehold flats. As Members will see in the proposition, we have considered a number of options for providing the loans and the 99-Year Leaseholders Fund is the most appropriate option given the history of the flats and that it contains sufficient funds to meet the anticipated demand for loans from residents. The terms of the proposed loan scheme are set out in the proposition. We have established a reasonable eligibility criteria to ensure that assistance is targeted towards residents who would not be able to access commercial borrowing. We have also ensured that the loan terms are fair and give those residents who choose to take a loan certainty regarding the repayment over a 10-year period. Members will finally see in the proposition that we have identified risks associated with the loans and how these will be mitigated. The Treasury will manage the loans on a day-to-day basis and significant engagement has taken place with the residents via the managing agent, Brunel Management, to gauge the potential demand for the loans and to develop standard loan documentation so that we are ready to commence the scheme as soon as possible should the Assembly approve the proposition today. Members can see from the comments that myself and officers were thoroughly probed by the Environment, Housing and Infrastructure Scrutiny Panel. I thank them for their very comprehensive comments and for their approval. There was a question asked by me of them concerning the potential ambiguity over whether Brunel Management are expecting to recoup the costs of repairs over a 10-year period from flats, which are tenanted, or whether the capital appreciation aspect will be taken into consideration. So, in reply to that, I can tell you the following: Brunel is not the recipient of the loan. The loans are being offered to the 99-year leaseholders and the flying-freehold owners who cannot afford the works without assistance. Its role is to collect the necessary amount from each owner and place it in the Association bank account in order to place a building contract. If a property is let, it will be for the individual landlord to determine whether he/she requires a loan and his/her application will be determined against the eligibility criteria, including income, savings and assets. It will be for the landlord to determine whether he/she passes those costs on to the tenant. But that would need to be carried out legally within the terms of the lease and within the rent review process. Tenants of the flats will not be compensated for these costs. The repair work reflects the situation that could arise whenever a landlord needs to carry out repair and maintenance works, which again need to take place within the legal framework of the lease and the parties' respective obligations. I recommend the proposition for the States approval.

The Bailiff:

Is the proposition seconded? [**Seconded**] I open the debate. The Connétable of St. Brelade.

The Connétable of St. Brelade:

My Panel has received a presentation from the Minister on the proposition before us today and we are so grateful for that. Our comment paper, which Members will have received, outlines the various concerns we had and the responses received. It was brought to our attention by some ground-floor residents, particularly who are concerned that they are having to pay something in the order of

£10,000 towards something from which they get very little benefit. They seem to be unaware of their obligations to the Les Quennevais Park Flats common area. This may have been as a result of a lack of legal advice at the time of purchase, but perhaps the Minister could outline the process that took place and any mitigation measures that could be put in place to accommodate these particular residents. Likewise, there were some original States tenants who simply could not afford to purchase flying-freeholds and have a mortgage on their lease. They have their normal annual service costs to pay and indeed struggle to do that. In summary, I would ask the Minister to ensure that, with the acceptance of this proposition, none of the residents will be disproportionately disadvantaged and suitable provision made for those that find themselves with financial difficulty as a result of the proposal.

Senator S.C. Ferguson:

I should emphasise that the occupants of the flats, whether they be leasehold, flying-freehold or tenanted, do not want a grant. They are happy to repay the costs. We had several meetings with the tenants about all this and they felt that they did not want to just be having handouts. They wanted a fair treatment. This also mitigates the unfair doings that have been going on in the housing market with regard to these flats. Some of the freeholders have been frightened into selling at a lower value than should have been expected if the balconies had been repaired because they did not think they were going to be able to afford to pay the £10,000 quoted. This is where some of the residents approached me and we had this very helpful response from the Minister for Treasury and Resources and the Minister for Housing and Communities of the time. We are all very grateful with the co-operation and understanding that we have had from the departments. So I thoroughly support this and I hope that Members will also support it.

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

I did prepare a reasonable response from a Treasury angle, but Deputy Labey, like the great thespian he is, has stolen most of my script. So I will stick with the advice very correctly given to us yesterday by the Minister for Treasury and Resources herself to keep our speeches as brief as possible. Just to say that I am particularly grateful to Senator Ferguson who brought this matter to our attention, it has to now be said quite some time ago. While I do not like to lean on the oft-used excuse of the COVID pandemic, that was the reason that it was slightly delayed. But we seem now to have reached a satisfactory conclusion. I would like to thank the previous Minister for Housing and Communities for his help in this issue and particularly to thank the current Minister for Housing and Communities, Deputy Labey, who we seem to have a very good relationship with now.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon Deputy Labey to respond.

Deputy R. Labey:

Thank you to Senator Ferguson and Constable Jackson and Deputy Ash. As far as those without balconies are concerned, it is important to realise that of course, if they are on the ground floor and do not have a balcony, their garden will sit under one. The balconies are counted as communal areas and every owner's responsibility, like lobbies or lifts or stairs would be. The process has been exhaustive and this has gone on for many years, trying to find a solution. The first emails I received on becoming Minister for Housing and Communities were from Brunel Management saying: "Please, please, can you help us with this? It has gone on for so long." The feedback we have had with finding this resolution has been very, very positive. In fact it was the first M.D. (Ministerial Decision) I signed and I signed it within days of taking office. Because it seemed so eminently sensible. If we look at what is involved here, up to £600,000 will be made available from the fund, which stands at £762,000. We do not think at the moment we will need to draw more than £450,000 from it,

depending on the size of the flat, whether it is a one-bed or more, the loans will be either £6,726 for the smaller flats or £14,164 for the larger flats. It is a 2 per cent interest charge because legally we are not allowed to not charge interest. So the repayments on the smaller ones, they can take an interest-only scheme if they want to, that is £11.21 per month, but on a capital and interest repayment that is £68.88 per month. So a great deal of care has gone into this and a great deal of consultation. I maintain the proposition and ask for the appel.

The Bailiff:

The appel is called for. I ask the Greffier to place a vote into the chat. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Draft Public Holidays and Bank Holidays (Amendment No. 3) (Jersey) Act 202- (P.21/2021)

The Bailiff:

The next item is the Draft Public Holidays and Bank Holidays (Amendment No. 3) Act 202- P.21, lodged by the Chief Minister for the purpose of the debate. The main respondent will be the Chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the proposition.

[16:45]

The Deputy Greffier of the States:

Draft Public Holidays and Bank Holidays (Amendment No. 3) (Jersey) Act 202- The States make this Act under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951.

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

I am proposing this Act today following the States Assembly’s adoption of P.9/2020, which was proposed by Deputy Tadier. If approved today, this Act will establish a one-off public holiday on 27th September of this year to commemorate the 250th anniversary of the Code of 1771 and the Corn Riots. The intention of this decision is to ensure the Code of 1771, which forms an important part of our constitutional heritage, is remembered and reflected upon in contemporary Jersey. The Code enshrined for the first time the Island’s Regulations, Ordinances and Laws, which were endorsed and also laid down. Some rules, which were endorsed, and also laid down some rules for the conduct of the States Assembly, election of officers and the government of the Island and curtailed the powers of the Royal Court. The Code of 1771 represents a significant development in the Island’s constitutional history arising from the actions of those involved in the Corn Riots of 1769. I hope that Members will approve of the proposed Act and join me in encouraging Islanders to reflect upon the important history of our Island and to mark the 250th anniversary of this significant milestone in our Island’s constitutional development.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition then I close the debate and ask the Greffier to put a link into the vote. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 37		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Connétable of St. Brelade		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				

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

The Deputy Greffier of the States:

The Connétable of St. Brelade voted contre.

Draft Amendment (No. 51) of the Standing Orders of the States of Jersey (P.23/2021)

The Bailiff:

The next item of public business is the Draft Amendment (No. 51) of the Standing Orders of the States of Jersey P.23, lodged by the Privileges and Procedures Committee. For the purpose of the debate, the main Responder will be the Chief Minister. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Amendment (No. 51) of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

Deputy C.S. Alves of St, Helier (Chair of the Privileges and Procedures Committee):

There is a great deal of good work across Government departments and our standards of service are generally high. But mistakes do happen. Not everybody receives the service they should. The Complaints Panel's aim is to ensure that the public services are administrated in accordance with accepted policies and procedures. The panel steps in when the complainant has exhausted internal complaints processes and the matter remains unsolved. In 2018, just before the election, this Assembly voted to bring in a Public Sector Ombudsman who would essentially take over the work of the Complaints Panel, which currently consists of 17 lay members, ranging from a Q.C. (Queen's Counsel) to a shop owner. Progress on implementing this decision has been delayed and this amendment to Standing Orders provides this Assembly with some additional powers until the new system is in place. So that the outstanding work undertaken by the Complaints Panel is not simply ignored by Ministers in the interim. In 2020 the Panel processed 22 new complaints, although only 3 went as far as a hearing. After a hearing, a findings report was published, which includes recommendations for service improvement. Ministers are asked to provide a formal response to those findings, often within a 3-month timescale. The Boards do not always uphold complaints but they will always make recommendations to ensure lessons are learned and improvements are made to the existing processes and procedures. However, there does remain a sense in certain departments that the Complaints Board's findings are not supportable unless they hold the department's position. Moreover, it appears at times that the responses are often a repetition of the arguments made within the hearings themselves rather than a reflection on the recommendations and ways of improving services. Members have raised with us that they have had to resort to submitting questions to Ministers separately in order to gain an insight into the rationale for their response. Following discussions with the Chairs and Deputy Chairs of the Complaints Panel, my committee believe that the process of responding to a board's findings should be strengthened. We are proposing that, when Ministers respond to a Board's findings, rather than simply presenting this as a report, they should be required to make an official statement and face questions thereafter. Just as scrutiny is seen as a critical friend, so too should Complaints Board's recommendations be seen in a positive light, as a way of improving processes and procedures and ultimately the customer experience of Islanders. It is worth noting that this process is part of the proposed structure for the new Ombudsman, as it will allow there to be discussion of findings by this Assembly. There may be some concerns expressed regarding the potential discussion of an individual's circumstances in this Assembly. While complaints hearings are mostly held in public and the complainant is named, where there is a sensitivity then the complainant's details are anonymised and in some cases the hearing is conducted in private. We are not proposing that intimate details of a case be explored in a public forum as that would be inappropriate. But it is important that any recommendations arising from a case in relation to improvements to service delivery or changes to policy are properly considered. It is that which should be the focus of the statement and question period rather than an individual's particular personal circumstances. This process will give Ministers the opportunity to explain their position, especially if they have chosen to reject the board's findings. It will also allow Members to raise questions about the issue with the Minister concerned. Making it mandatory for response to be presented within 12 weeks of the report's publication will also ensure that Ministers give adequate consideration to the recommendations made and demonstrate that the findings are not being ignored, which is both disrespectful to the Complaints Board, who have given up their time to review the case, but also hugely insulting to the complainant. Therefore, I urge Members to adopt this simple Standing Order change to show support for the Complaints Panel who do an exceptional job in lieu of an Ombudsman and demonstrate that this Assembly considers it important that there is a robust oversight of the way services across the Island are administrated. I propose the amendment.

The Bailiff:

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

Deputy R.J. Ward:

I wanted to speak on this. It is much needed. Without giving anything away about an ongoing review in terms of addressing accountability, we have had some very interesting information. This sort of change is much needed. I would suggest that often there are responses but there are no actions taken. Anything that puts into our constitution, that may be the wrong word, a need for a response and then accountability in this Assembly is very, very positive. I would say that this should not be an excuse for any more delays in the Public Service Ombudsman. I would very much say that we need to get on with that and it needs to be in place as soon as possible with genuine powers and genuine influence. Because that is much needed. Also, the Public Service Ombudsman is not in opposition, and again I have difficulty finding my words today, to the Complaints Board. It is not incongruent with their work. The 2 things work together and they can enable each other to do the job very well. Discussions of findings should happen in this Assembly and, as was suggested by Deputy Alves, and I wholeheartedly support this proposition, any situation regards individuals can be managed effectively. So that those important public discussions can take place, which increases transparency, which in turn increases accountability and gives much better opportunity for redress when things go wrong. So I would urge Members to support this proposition.

Senator S.C. Ferguson:

I wonder if perhaps this ought to apply also to the S.E.B. (States Employment Board) and not just the department that will be held to account. I would just quote the Alwitary case and others, of which over 20 years in the States I am aware. In fact I do not think Alwitary is quite finished yet, is it? This was 2012 and now it is 8 years, if my arithmetic is right. I have an idea that in the Alwitary case it took some years and a court case to get hold of the subject access documents. So this is a very light approach to making the States, particularly the Health Department, be responsible for how they conduct themselves. I ask the P.P.C. (Privileges and Procedures Committee) to give some thought to this and perhaps Senator Vallois's Review Panel over the next few years or months perhaps.

Deputy J.H. Young:

I have to say, I did raise this when this matter came before the Council of Ministers. I am a bit troubled about the situation regarding when we have Review Boards Complaints hearings where the complainant has asked to be treated anonymously in a private hearing of how this process is going to work. I have to say I am absolutely as frustrated by other Members about how we got to the situation where there is no effective Ombudsman arrangement. Because I need to just air this that I did, when I was not a States Member, I approached a person who was aggrieved as a result of an ill health retirement decision, who had a chronic illness that went against them. I took their case because all elected Members who represent that person were all Ministers and they said they were all conflicted and could not take it. But nonetheless I did so. They ended with 2, enormous, one was faced with an army of lawyers arguing against you, I was not a States Member at the time. Anyway, despite all that, there were 2 very, very strongly-worded reports finding in favour of the person. Now, the Minister at the time, I think this was around 2015/2016, 5 years ago, made very dismissive reports and the case sits there. No action has been taken. That person does not have any redress.

[17:00]

So what does that leave me? Yes, the Ministers need to do a report to the States. But what I am struggling with, how could such a case come into a questioning session in a public session, without the details of the case being go to light. You, as the Presiding Officer, would have a very, very difficult time finding your way through this. Now, the only immediate solution I can find is that there should be a possibility there perhaps that, if the complainant wishes to remain private, then this

session in the States should also be private. It is far from ideal. It really illustrates just how bad the situation is for the Complaints Board, why we need this Ombudsman. I am really frustrated by this not happening. So this is well-meaning and well-intentioned and I am really pleased that P.P.C. are addressing it. But I do have doubts about whether this is going to work in some of these cases.

Deputy M.R. Higgins:

I fully support what P.P.C. is bringing forward here. In the years that I have been in the States I have helped an awful lot of people with problems they have had with States departments and, I might add, the States Employment Board. I am absolutely appalled at the way the Government departments treat the people of this Island. Just in the last week I have mentioned the Health Department and people trying to get records. Basically, if someone has been injured, let us say through negligence on the part of, whether it be surgeons, physiotherapists, or anyone within the hospital, and they try to get their records, they face an uphill task. As are people who are dealing with the Children Service, which also came under Health. In one case, even lawyers took 14 months to get records from the department and that was through the intervention of the Law Officers Department who created no end of problems. We have situations where, when the records are obtained, they are getting legal advice to the lawyers telling them not to tell their client what they have. How can the lawyer, without consulting the client, know whether the information that has been provided is accurate or not? The situation is unbelievable. In fact, I have never ever in my life suffered depression but, I will tell you, a few weeks ago I got close to it. Because the number of cases that are outstanding where Government departments are frustrating and, in my view, deliberately obstructing people getting information, is appalling. So the idea of departmental Ministers having to justify what their departments are doing under their leadership is absolutely right. I cannot wait until we have a Public Services Ombudsman scheme in this Island so we can hold them all too account more so. It will free up States Members who are being overloaded with cases. It also applies, not only to departments, the Police, and I would even criticise the Information Commissioner's Office for not pursuing some of the cases as fast as they should be when they know there is obstruction from the departments. Then they say: "There is not much we can do. We cannot even fine them." So we do have problems in this area and this is a step forward. Again, I would just like to endorse what Senator Ferguson said with regard to the S.E.B. The S.E.B. as an employer is appalling. We treat our employees really, really badly. I am just amazed at some of the cases that have come over my desk. The Alwitry one is one of the worst by far. Worst by far in the sense that they pursued a case where they did not have a hope in hell of winning from the beginning. It has cost us a fortune in lawyers' fees and it is probably going to cost us £7 million in damages if the top level of the award is given. It is time we got a grip of this and this is a positive step in the right direction.

Deputy G.P. Southern:

It seems as if it is very hot in here.

The Bailiff:

Yes, I was exercising myself as to whether it is parliamentary to refer to "a hope in hell" but I have not had a chance to look at that.

Deputy G.P. Southern:

Having used the phrase before, there is precedence I think you will find. I totally agree with the previous speaker that this is an excellent idea. It has my wholehearted support. I have taken 3 or 4 cases to Appeal Panels in the past I won one of them. But the reservations expressed by a previous speaker about anonymity or not is one that I came across very often. The reality is most people are frightened of putting their name anywhere in the public domain. Often, rather than have problems with people who wish to remain anonymous, they would refrain from pursuing the complaint. So I do not think that the ability to say: "No, you can do it anonymously if you wish" is a good way

forward. As to the S.E.B., they have an accountability trail surely that comes through the Chief Minister, does it not? He ought to be held accountable for the actions of his Employment Board if the case is brought and found to be wanting. But the overall principle of that Ministers are held to account and questioned by this Chamber is an excellent one. The more opportunities we have to hold Ministers to account, the better our Government will be. It seems to me this will be one way of improving what we do. The other question I have to ask is how long we are going to have this system before the Ombudsman gets in place? What sort of length of time are we taking to have these particular regulations in place, is the question I would ask of the presenter?

Deputy D. Johnson of St. Mary:

I wish to speak as Chair of the Legislation Advisory Panel, which is essentially responsible for bringing forward the Public Service Ombudsman Legislation. While it has been beyond our own influence, I do apologise for the delay in this. I am assured that the legislation will be brought forward by the end of this year. I echo the view of Deputy Ward that it is necessary on a number of counts and, once in, it will replicate the benefit that the Chair of P.P.C. now seeks to address. I congratulate her on bringing this forward as an interim step and certainly I shall be supporting it.

Deputy S.M. Wickenden:

I think about this and transparency over the Complaints Board and I agree that there is great work that is done within the Complaints Board. It is a good step forward. But I do have one concern and that is about anonymity where it is required. I was wondering if the Chair could let the Assembly and myself know what was thought of around anonymity. Just off the top of my head, I was thinking that there could be a provision in Standing Orders that the Minister could make a request to the Assembly at the day for in-camera questions. So the Minister would do their speech publicly but, if it was a case where there was a risk that maybe some Members in the Assembly know what is going on and there is a risk that information that was probably sensitive that we would not want to be outlined in a public forum was being released. That possibly the Minister could call in and say: "Could this one be in-camera for these reasons?" So the Assembly could choose whether that happened or not at the time. That would be a sensible way forward to make sure that we have the safety. Of course that is only for when it is for like for me the Education Department, of course it is absolutely right that the Minister speaks openly, gets questioned in public, has to be accountable for the decision that is made. But I do worry about anonymity of subjects in that manner. So maybe the Chair could just respond. I was wondering whether this should have been an in-principle discussion first rather than an immediate Standing Order change. But if the Chair had not thought of that I would ask the Chair to think of that. But I will be supporting it right now but I would like to see something that would have that protection piece in place.

Deputy R. Labey:

We have to be careful day in/day out on the floor of the Assembly in terms of protecting anonymity and being careful not to name names when we should not be doing so. But it is perfectly possible to have a conversation or a question and answer session about complaints about failures in procedure without naming any names at all. I have met with the Complaints Panel and it is hugely regrettable that we have allows morale to drop so low among a group of dedicated and diligent citizens giving of their time and their professional expertise to perform very difficult adjudications. It takes an awful lot of their time. This is accountability and action, or at least it should be. Very often to the Complaints Board it feels like accountability and inaction. This is a small step to help them and elevate them and recognise their work and to make sure Ministers and departments are being held accountable when complaints have been upheld against them. I strongly support this measure.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Alves to respond.

Deputy C.S. Alves:

I want to thank those Members who have contributed to the debate and I am just going to start off with something to address some of Deputy Young’s concerns and some of the concerns that other Members have brought as well. We could bring changes to the Administrative Decisions Law to bolster it. But we all know how long legislation takes to get through the Assembly. I am obviously mindful that the Ombudsman is on the horizon. So we consider this is the best way forward as a quick fix, an interim response. So in Deputy Young’s example it would be policy that would be under discussion. Deputy Wickenden just raised about having in-camera debates and we could look at requesting discussions in-camera if the Assembly felt that was appropriate of course. Although part of the accountability is that it is public and having discussions behind closed doors is not really good governance and gives the impression that there is something to hide. Like Deputy Labey just said as well, Ministers should be willing to discuss policy changes and improvements to processes in public. At the moment, the Complaints Panel does allow anonymity where appropriate. But many complainants want others to know what they have gone through and there have been instances where others have come forward as a consequence of that case being publicised. Senator Ferguson, Deputy Young, Deputy Higgins, and some other members, also brought up about applying this to S.E.B. I take on board those comments. Obviously given the timing and, like we have mentioned, the Ombudsman is on the horizon, this should come under the remit of the Ombudsman. The particular case that the Senator brought up was dealt with by the Complaints Board as well. Deputy Higgins also brought up about subject access requests and I can say that I sympathise with him because, not only have I been through this with constituents, I have also been through this personally and, 2 years on, I am still waiting for some documents to be released. So I hope I have addressed everybody’s queries there.

[17:15]

I just want to finish off by saying that my committee is very grateful to the Complaints Panel members who give their time for free in order to support the principle of good public administration and ensure that Islanders have some recourse when things go wrong in the absence of a Public Sector Ombudsman. The current system is not perfect but the panel are extremely dedicated. Until an Ombudsman is in place, we believe they should be given as much support by this Assembly to undertake their valuable work as possible. This simple amendment will ensure that findings reports are not ignored and that Ministers are held to greater account should they decide not to implement any changes to policies or procedures recommended by the Complaints Board. Overall, it will provide for a more robust system and strengthen governance. I urge Members to approve the Standing Order change.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to put a voting link into the chat. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				

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

Senator Moore, you have asked in the chat if I would consider making a ruling on a point in relation to Standing Orders Schedule 3, Code of Conduct for Elected Members. Which is the part that you wish to raise?

Senator K.L. Moore:

It is Article 9, Co-operation with Committees and Panels. It also transfers across into the Code of Practice for engagement between scrutiny and the Executive. That would be Article 33. It is in regard to a previous vote this afternoon on P.34, item (c), which thankfully was adopted by the

Assembly. But I would be grateful if you would consider your views and those who voted against that part of the proposition, whether they were in fact voting against the Code of Conduct.

The Bailiff:

The vote is what the vote is. It is open to Members to vote in any direction at all, whether it is supportive of the Code of Conduct or not. I do not think a Member's free right to exercise a vote, even if it is not in accordance with the principles of the Code of Conduct, would of itself be a Code of Conduct issue. I have not considered paragraph 9, Senator. I am happy, if that is of assistance, to consider it overnight. But I am not entirely sure what point you would like me to rule upon. Is it that was a vote against the part (c) in that piece of legislation not in accordance with the Code of Conduct? Is that the point you would like to raise?

Senator K.L. Moore:

Correct, yes. I would be grateful if you would give it a little thought.

The Bailiff:

Yes, I am happy to consider it overnight. But I am not in a position to give a ruling on it now.

States of Jersey Development Company: Appointment of Non-Executive Director (P.24/2021)

The Bailiff:

The next item of public business is the States of Jersey Development Company: Appointment of Non-Executive Director, P.24, lodged by the Minister for Treasury and Resources. The main respondent to this will be the Chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to appoint Carolyn Dwyer as an additional Non-Executive Director of the S.o.J.D.C. (States of Jersey Development Company) for an initial period of 3 years, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the Company of the notice referred to in paragraph (b) below; and (b) to authorise the Greffier of the States, for and on behalf of the States, to deliver a notice to S.o.J.D.C. in accordance with Article 21(b) of the Memorandum and Articles of Association to give effect to such appointment.

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

The States of Jersey Development Company was established through a proposition approved by this Assembly in October 2010. Today, I recommend to the Assembly a proposal with respect to the S.o.J.D.C. that will see a further appointment to the board bringing even more diversity, skills, experience, and knowledge, to the S.o.J.D.C. This Assembly, in adopting P.70/2020, on 14th July 2020, approved updated memorandum and articles of association of the company. These include the provision of additional non-executive director positions for the company to assist with, not only succession planning, but the increase in workload of the company. In the debate on P.70/2020 I recall Deputy Doublet highlighting the need for ongoing diverse succession planning and recruitment within the States-owned entities. I hope this appointment demonstrates my commitment as delegated shareholder representative to ensuring that these boards continue to be diverse. By diverse, I do not only mean in respect of candidates and board members' gender. What I mean is an appropriately balanced board with the skills required to promote the long-term success of the company. I can advise Members the S.o.J.D.C. advertised this role on their website, with local media, and further afield, targeted to a diverse range of individuals. S.o.J.D.C. were assisted in this process for this non-executive director by a leading external search agency and the Jersey Appointments Commission were consulted at every stage. The board of S.o.J.D.C. were keen to attract a particular skillset when

appointing a new N.E.D. (non-executive director) focused around placemaking and regeneration and a candidate who would bring with them an extensive track record, network and knowledge of best practice, innovation and creativity in this space. The role itself attracted a significant amount of interest from candidates, both on Jersey and from other locations. A small number of candidates, either based on Jersey or with connection to the Island, were longlisted by the board for interview. These were conducted by our retained search consultants, Berwick Partners, who have a particular focus and expertise in this sector. However, following these interviews, the 6 candidates that were recommended to go forward for final interview as having strongest and most relevant experience came from a number of locations off-Island. All shortlisted candidates, as it happens, were female. The proposal is to appoint Carolyn Dwyer as a non-executive director of the company. Members will see from the appendix accompanying the proposition that Ms Dwyer has substantial experience, not only in the private sector, but also working with the Government in the U.K. (United Kingdom) to deliver significant developments that were and remain beneficial to their residents. Most recently, Ms Dwyer has been appointed as the Strategic Director for Development, Growth and Regeneration, at the London Borough of Sutton. I very much believe that Ms Dwyer will bring her wealth of experience and expertise to the board of the company, which will greatly assist in future developments in Jersey, including the proposals for the waterfront, which will be of great benefit to the Island and the health and well-being of all Islanders. Ms Dwyer is a high-calibre candidate for the board of S.o.J.D.C. and she brings with her the requisite wealth of knowledge to contribute to the continued success of S.o.J.D.C. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Deputy Ward.

Deputy R.J. Ward:

I want to speak on this and I want to say right from the beginning that I will be voting against this appointment, not because of whether it is a high-calibre member of staff or the process it has gone through. But because of the very nature of the appointment, which offers £22,000 for 15 days' work. Pro rata for a 37-week year that would be £271,000. These people who are employed to this may be important for the Island, but are they more important than those people who are serving our food and help our mental health, which we have talked about so much in COVID debates? Or pick our potatoes, the glorious Jersey Royal that gives such an identity to the Island? Because, at the same time, this Assembly will rubberstamp £22,000 for 15 days' work at the same sitting that they voted against increasing a living minimum wage of just £10 per hour. I, for one, will not be part of that hypocrisy. I cannot accept these high-value appointments for short periods of time for these arm's-length organisations continuing and extending. I know that we will get from those who support comments about how valuable these people are. But, however, we need to think very carefully before we make these huge appointments and then balance it with valuing all of our workforce, all of those people who go out to work and try to make the ends meet with a family. At the same time that we vote against that living wage, there is absolutely no way that I will vote for this appointment.

Deputy J.H. Young:

I think it is known that for a long time I have had concerns about the role of the S.o.J.D.C. Here we have, there is no question, an outstandingly well-qualified and able candidate. Absolutely I can see how it ticks all the boxes about diversity and succession planning. But where I am troubled is the last thing we need is an independent vision coming on S.o.J.D.C. We already have major problems about integrating our arm's-length companies into our Government planning. So here we have an expert in place-making, which I am absolutely sure, brilliant skills. But if a person of that nature is going to bring a very different view about, for example, creating world-class international centres and so on. What we need, and of course we now have the Southwest St. Helier Development Framework. So it is not a waterfront development framework anymore. In fact, if this was a role

where we were bringing somebody in to help us with the vision of the whole of St. Helier, my reservations would be dealt with, or even southwest St. Helier. But just to focus on one little area, which my concern is that place-making has to look at the broad picture and you need an integrated process there. Of course I find it quite difficult that you can have that place-making when you do not have a local connection. None of these are negative points, they all point to how we really need to rethink and try to look as we go through in how we are going to tackle urban regeneration and making our town better. Implementing, I hope, if the States approve the Island Plan draft, the vision in there. How we can translate that. Only recently, we made decisions. We want affordable housing. Absolutely right. We have seen issues where in the past we have had buy-to-lets generating profits and so on, I am afraid. Yet at the same time we have Andium struggling for sites.

[17:30]

We desperately need to join this up, regeneration. I have discussed with the D.G. (Director General) of I.H.E. (Infrastructure, Housing and Environment) and I really believe there are some links in there that we need to follow up and do. So is this the right appointment? Honestly, I am really not convinced at the moment. I have abstained before. I am not really sure whether I am going to abstain again or vote against, because I do not want anything to go against this person. Because obviously an outstanding candidate. But it is really important that when we fill these top roles we have the right approach.

The Bailiff:

Deputy Le Hegarat is seeking to propose the adjournment in the chat. I have 5 Members already registering an interest in speaking and obviously there are at least another 4 matters of some substance for the Assembly to deal with on this Order Paper. Do you propose the adjournment, Deputy?

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

Yes, I do. We are obviously scheduled to come in tomorrow. We do have the fisheries. There will probably be more than the 4 already listed.

The Bailiff:

Unless any Member indicates to the contrary, I propose to accept that as a proposition and seconded on a standing vote in the normal way. Very well, the Assembly stands adjourned and will reconvene at 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:31]