

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 19th MAY 2020

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[9:39]

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

[9:45]

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Welcome to His Excellency the Lieutenant Governor**

I begin, as is traditional, by welcoming His Excellency to the Chamber this morning. We now move on to deal with the Order Paper.

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **2. The Minister for Social Security will make a statement regarding “family friendly” legislation**

**The Bailiff:**

The normal process now would be to deal with questions to Ministers without notice but the Minister for Social Security has asked for leave to have her Statement read first because she cannot be in the Assembly necessarily for the duration and it was thought to be helpful that Members would have the 15 minutes to ask her questions so that they would know what questions might be relevant to ask during the question period. Therefore I have agreed to that slight change in the Order Paper and the Minister for Social Security will make a statement regarding family friendly legislation.

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

It was not because I cannot be here, I am here, it is just to the order of things. I know that people at questions without notice would want to ask me about this. It just seemed easier and then they get another chance in questions without notice. I hope that is still all right then to proceed?

**The Bailiff:**

Yes.

**Deputy J.A. Martin:**

The development of family friendly employment legislation in Jersey stretches back more than 10 years. Initial proposals were subject to delays caused by the global financial crash of 2008 and until September 2015, Jersey provided no employment rights for parents, far behind the international standards at that time. Since 2015, more progress has been made and last October I was delighted when Members approved a comprehensive set of family friendly employment rights. At the time I was also committed to bring forward parental benefit regulations so that the cost of paid parental leave would be shared between the Government and the employer. The timetable to achieve this was suggested as summer 2020 and, initially, good progress was made on the law drafting and operational changes required. Over the last 8 weeks this work has been completely disrupted by COVID-19 and the original timetable of implementing the 2 laws together in July 2020 can no longer be achieved. Jersey has lagged behind other countries in its family friendly rights for many years and I am not prepared to allow another delay on my watch. Along with fellow Ministers and States Members, in 2018 I signed up to the strategic priority of “putting children first”. But, to put children first, we must also look after the parents. To put children first, we must give every mother the opportunity to breastfeed a new baby for as long she wishes to. To put children first we must give dads as well as mums the right to a decent amount of paid leave. To put children first, we must give all parents the right to choose to stay at home for that first crucial year of life. But, at this time of great economic turmoil, we must also make sure that employers are able to support parents and appreciate them as valuable members of the workforce. Today, I am announcing that I will bring forward the Appointed

Day Act for the family friendly Employment Law [Employment (Amendment No.11) (Jersey) Law 2020] changes agreed last year. Subject to States approval, the Law will come into force on 28th June 2020. At the same time, I am working with the Minister for Treasury and Resources to identify funding so that I can introduce an interim subsidy scheme to support employers with some of their additional costs as the legal right to take paid leave is extended to all parents. This will be introduced at the same time as the new Law. This interim subsidy scheme will continue until the work on the parental benefit regulations has been completed, scrutinised and approved by this Assembly. I will aim to bring those regulations forward in late 2020 for implementation in early 2021. By the end of June, I very much hope that governments around the globe will be working hard to: get their citizens back into jobs; get their children back to school; return their health services to normal but, at the same time, I am also realistic that the threat of a second wave of the pandemic will still be with us for the rest of the year. Over 400 babies will be born in Jersey between the end of June and December into this strange, uncertain world. My plan will provide those babies and their parents with a little more support to help them through this difficult time. I hope Members will support me to achieve this. Thank you.

**The Bailiff:**

Thank you very much, Minister. There is a period of 15 minutes of questions available to the Minister on this matter.

**2.1.1 Deputy M. Tadier of St. Brelade:**

The Minister has talked many times about putting children first in that statement. Can I ask if this policy is applied consistently in her Department and, if so, when can we expect the discrimination against children in accommodation, which ties in with this family legislation, to be brought forward, which is currently being held up by her Department?

**Deputy J.A. Martin:**

Sorry, Deputy, it is one of those; we are working on it. It was down for this year, from memory, and again everything in normal has been held up but I will check out and find out and get you a date. We know it has to be done. It was a request through the Assembly from the Proposition from yourself. So it is not that we do not want to do it, things have been moved completely sideways but I will find out a date for you and get back to you.

**2.1.2 Deputy M. Tadier:**

Is it not the case that this was held up before COVID was even on the radar and that it was not down to be managed until a much later workstream?

**Deputy J.A. Martin:**

It is still on track for the year. We have to prioritise and this was, I think, to be introduced into this year. The Deputy is right, it was not made a priority and whether that was right or wrong but we are now where we are and it cannot be introduced but I will get the Deputy a much firmer date.

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

I thank the Minister for making the statement this morning. It seems that she has listened to the parents that have been emailing and contacting her. I wanted to ask if she could just compare the interim subsidy scheme in actual terms of what that will mean in real terms for parents now in the interim. Can she compare that with what the final legislation and benefits will be please?

**Deputy J.A. Martin:**

If you remember when we had the debate the extended parental leave to fathers, there is no claim back whereas with mothers the employer can claim back the benefit amount, which is approximately £222. Under this Law now, employers of fathers have to pay 2 weeks' full pay and we are extending

it to 6 weeks' full pay. So that will be subsidised exactly like it is mum now. That is the only way I could have got this in. I made a promise to all small businesses. I made a promise to Chamber. Now, the extension of benefits, which I am going to call a parental benefit, of 32 weeks, this is the one that has hit the snags. It has not had the law drafting time and that is why I say, I could have chosen to do them all together but when we started talking and what would you ideally like, I said: "Well I do not really want delays" and after myself working on C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) with officers and the co-payroll scheme, lots of money but short schemes are achievable and this is what I have done, so I had to make that choice.

#### **2.1.4 Deputy L.M.C. Doublet:**

Can I just clarify? In terms of a family where the mother and the second parent both want to take the full parental leave available is it going to be exactly the same financially in terms of what they can do and the length of time they can take with this interim scheme as it will with the full legislation? Is it the same? Is it just the mechanism that your Department is using that is different? Have I understood that correctly?

#### **Deputy J.A. Martin:**

No, the Deputy is muddling up the family friendly, which is what we passed in the Assembly on 24th October last year, is coming in in full. The whole family friendly rights; dad, the year, the breaks - 3 lots over 2 years - all that is coming in. It was more industry and I could understand small employers saying: "We cannot claim back for dad. We can do it for mum. I am an employer of all men, it does not help me." So that was the bit I am doing and that enables ... to be fair, when I bring through the benefits that will not change. It just goes from one scheme to another but the parental benefit will be extended to 32 weeks and mum and dad can choose who wants that. It is going to be a longer benefit and people can choose. I cannot do that. I am very sorry, I cannot do that bit but whatever was in family friendly we passed, that is the Appointed Day Act, everything comes in for mum and dad.

#### **2.1.5 Deputy R.J. Ward of St. Helier:**

This Statement has been made this morning but, forgive me, I think we need some clarity on what is going to happen now but when is it going to install. How long will it last and when are we defining the end of it in terms of the reaction to COVID-19 or is this a precursor to when family friendly legislation comes in? So when will it start? What will it be like for a parent next week who wants to take maternity and paternity leave and what can they claim? I just need some detail really from the generic statement.

#### **Deputy J.A. Martin:**

It is P.100/2019 from last year but literally it goes from 26 weeks to 52 weeks for mum and dad and it can be taken in 3 blocks up to 2 years. There is nothing changing on the family friendly at all. The only thing is the interim scheme. I could not have brought it in without getting a scheme to support the smaller employer of dad. When the actual scheme comes in, the employer and the dad will know no different.

[10:00]

It is something that is being done manually between now and Christmas. The family friendly rights that we passed in October are all there, they will be implemented with an Appointed Day Act that will be lodged today, discussed in a couple of weeks' time and it comes in on 28th June.

#### **2.1.6 Deputy L.M.C. Doublet:**

I just wanted to go back to the comparison that I was asking the Minister to make because if I was an expectant mother or a partner who was expecting a child I would want to know exactly what this meant for my finances, and that is what I would like the Minister to explain. I am not sure I really understand enough to explain to people and I know people will be asking questions. It is similar to

what I think Deputy Ward has just asked. But could the Minister just explain on a human level what will this mean for a family, for their finances on a very basic level?

**Deputy J.A. Martin:**

Again, the rights that are in today, the payment of 18 weeks to mum and the 6 weeks paid leave is already there and that will stay. To dad, he can have the 6 weeks paid leave and he will not see any difference. It is paid leave but we will subsidise the employer as we do with mum. We will be informing J.A.C.S. (Jersey Advisory and Conciliation Service). We want to extend the benefits but they cannot be extended today. So it was a choice of bringing these, giving more certainty or waiting 6 more months.

**2.1.7 Deputy L.M.C. Doublet:**

Just to clarify, the father or second parent will not be getting the 18 weeks ... well, it is called a maternity payment now but the 18 weeks' parental payment?

**Deputy J.A. Martin:**

They do not now and they never were. We are going to bring in a parental payment of 32 weeks and the parents decide who needs that. It is about the first 6 weeks. Mum gets paid from the employer for 6 weeks, the employer can claim back the £222. Dad can get paid from the employer and they cannot claim back. At the moment it is 2 weeks, we are extending it to 6. We want to extend the benefits. That was all in the Government Plan that we debated late November or early December and we got the extra money to do. So it is there, it is just literally law drafting time and we cannot achieve it. So people will have to decide whether they can afford these benefits but it is not stopping them taking the leave after this time and thinking about ... they might have had their second baby and they have got a baby at home now and they might decide: "I would rather spend a bit more time at home" because they have been forced to do it for the last 3 months. I do not know what people are going to decide. It is an enabling Law. It is why I was asked to extend to 2 weeks. In theory the first 2 weeks of a baby's life, if mum and dad can afford it, can be on leave.

**2.1.8 Deputy K.G. Pamplin of St. Saviour:**

Thank you to the Minister for making a Statement today. She knows her Scrutiny Panel [Health and Social Services Scrutiny Panel] have been questioning her for a little while and she was very good to come to our Panel to give us a heads up and allow us the time to ask questions. Again, in terms of Scrutiny, we thank the Minister for that. The question I think on everybody's lips is the timeline for this. You do not have a crystal ball. None of us do for the future. But in your head, how would you like to see this play out. There are some unknown factors. Obviously how we access Customer and Local Services at the moment is not the same because we cannot walk into the building at the moment. That is one element. But just as the timeline says in the press release: "The anticipated timeline to this to bring forward these benefit regulations for approval in late 2020 for implementation in early 2021", what can she tell us and what would she like to see in place, given those timelines?

**Deputy J.A. Martin:**

That is the timeline. If I had waited for the benefit, the 52 weeks could not have been implemented with the Appointed Day Act on 28th June. There will be a small subsidy scheme for employers to help pay dad or second partner. It normally is dad but it could be just the second partner. I will be lodging as early as I can towards the end of this year, plenty of time for Scrutiny and hopefully approval by the States, to be bringing in very early, could be January, hopefully, 2021.

**2.1.9 Connétable M.K. Jackson of St. Brelade:**

Employers are going through a horrendous time financially, would it not be wiser to defer the Appointed Day Act for 12 months when there will be some clarity over Government finances and what can be actually be afforded in terms of subsidies from the Minister for Treasury and Resources?



**Deputy J.A. Martin:**

That was a consideration. As I said in the beginning of my statement, Jersey has been so far behind. We had nothing up until 2015. We have moved quickly. Will there ever be a right time? We are helping employers. The other argument from small employers, there will not be enough people to backfill. Unfortunately, we have 1,000 more people unemployed at the moment. Hopefully they will all get back into other jobs but there will be people that can backfill these jobs. My feeling, if I had have tried to put this off for a year it might have waited another 10. So I did not want that. I think we bring it now. With all the uncertainties that mums and dads and babies are being born into this really uncertain time, we can do it. We agreed to do it and we should do it.

**2.1.10 Deputy R.J. Ward:**

Just looking at the press release that is going out with this. Can I ask a couple of things on that? It says that the law introduces workplace rights to breastfeed and requires employers to take reasonable steps to provide breastfeeding facilities. What does the Minister consider to be reasonable steps given the importance of breastfeeding for early development of babies?

**Deputy J.A. Martin:**

Reasonable steps, we did have a big discussion, and hopefully it would have been implemented in October, we did a real drive to find out where breastfeeding places were around the Island. We know where some are. I think that was definitely led by my Assistant Minister over the summer of last year. It is reasonable. Most people who have now signed up they absolutely understand it does not have to be actual breastfeeding on property. The mum can express. It does not even have to be a fridge as long as mum's got a cold container. These things can be overcome. It is about choice. Does baby need to be taken to mum? If that works for you that works for you. But I absolutely now think that small employers, large employers, understand it and I have had nobody emailing me saying: "Do not bring it in." I may have had one. I exaggerate. But the majority wanted to know where they are. Even employers have been gearing up for this since October last year.

**2.1.11 Deputy R.J. Ward:**

Is it really putting children first if women are going to be asked to leave the premises or go and sit in a cupboard or just make do in order to reach the reasonable rights to breastfeed?

**Deputy J.A. Martin:**

I would hope nobody goes and sits in ... well, nobody will be sending me in a cupboard. I do not think the Deputy ... he knows most women these days would not be sitting in a cupboard. You know your workplace and you know yourself, have you had enough time off that you have got your baby in such a routine where you will just express. Or are you just finishing and your baby is brought to you by their childminder at lunchtime and you are finishing or you have got an hour. I hope the Deputy does not look at this as negative. We will really have to be working with J.A.C.S., there is some good guidelines on what this means. I do not want to see women sitting in cupboards and feeling uncomfortable.

**Deputy R.J. Ward:**

May I just clarify? I absolutely do not see it as a negative. I think it is a very positive thing but I think we need more regulation around the rights to breastfeed because it is the right thing for our children. Just to clarify that point.

**The Greffier of the States (in the Chair):**

That was a statement not a question.

**2.1.12 Deputy L.M.C. Doublet:**

Can the Minister confirm that while currently families are entitled to the 18 weeks through the benefit to the mother, under this interim scheme is it still just 18 weeks benefit from Social Security that they are entitled to? Then eventually it is going to be 32 weeks for the family. Have I understood that correctly?

**Deputy J.A. Martin:**

That is completely correct, yes. That is what was agreed ... I had to get some more money for the extra benefits and I got that money in the Government Plan. Not a lot of money is coming in at the moment but it will be coming in and, yes, the Deputy is completely correct on that.

**2.1.13 Deputy L.M.C. Doublet:**

Could I ask the Minister please as well, could she please send around any guidance or explanatory information that she has given to either the Scrutiny Panel or to Ministers? Could this be sent to all States Members immediately please so we can attempt to have a deeper understanding of this?

**Deputy J.A. Martin:**

I have given an undertaking to give the business case, the scheme itself, to 2 Scrutiny Panels, which is mine [Health and Social Services Scrutiny Panel] and Deputy Morel's Panel [Economic and International Affairs Scrutiny Panel]. There is a paper that J.A.C.S. will have very shortly and it really is, if the Deputy sees what was in P.100 exactly that, it is exactly the same as what was in P.100 that was passed last year. But I can get as much information. I am not sure about today because it has not changed a lot. It literally is 52 weeks for dad and 52 weeks for mum and taken up to 3 blocks over the first 2 years of the baby's life. I am sure it is P.100 last year.

**2.1.14 Senator S.C. Ferguson:**

I may have missed it but has the Department done the costings and timings for small businesses?

**Deputy J.A. Martin:**

Small businesses, we had this argument last year. The argument did not stand up and it did not stand up because I said I will make sure that the employer who is employing the second person, mainly dad, will be able to claim back exactly the same as they can if they were employing a woman. So it works completely across the board and they claim that back. We do not know how many people are going to take 2 weeks, we do not know how many people are going to take the full 6 weeks. Some fathers may take none but we have had to go and say that the money is there to the employer. If you pay the second parent we will give you back £222, which is what we would give back to the employer of the mother.

**2.1.15 Senator S.C. Ferguson:**

Yes, but have you taken into account the fact that the person taking time off may be a skilled person and you cannot get a replacement for the required period?

**Deputy J.A. Martin:**

Again, you brought this argument up exactly the same when we passed the family friendly. I said then we had full employment and we have a little bit less full employment. There will be an order brought in from the Chief Minister at the same time extending anybody can fill the job. It is 9 months now but it will be 12 months, obviously covering the full 52 weeks. These arguments did not stand up last time and I am sure people now with the skills who are out of work will be able to backfill. I am meeting with Chamber [Jersey Chamber of Commerce] on Thursday to go through this as well. They are my last on the list but I wanted to get Scrutiny, the States Assembly and then Chamber.

## **QUESTIONS**

### **3. Questions to Ministers without notice**

### **The Greffier of the States (in the Chair):**

Thank you, Minister, that concludes the time for questions on that statement. I understand we now move on to questions without notice to any Minister. The Bailiff has agreed to allow an hour for those questions. When Members indicate they wish to ask a question of a Minister could I ask the Member to indicate which Minister they wish to pose the question to? If they do not do that we will look to the Chief Minister to answer or he may of course delegate the matter to an appropriate Minister. I am looking to see if there are any Members who wish to ask any questions.

#### **3.1 Deputy L.M.C. Doublet:**

My question is for the Minister for Health and Social Services. I would like to ask him about the Jersey Talking Therapies. Is this service still seeing current patients that are already enrolled either on a waiting list or having therapy and is this service taking new referrals at this time please?

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

I thank the Deputy for her question. We have had a comprehensive meeting with my Scrutiny Panel [Health and Social Services Scrutiny Panel] to discuss the Mental Health services, which are continuing.

[10:15]

We are needing to provide services to newly diagnosed patients or people seeking to access the service but of course we are having to triage and prioritise as necessary during this time because it is understandable that we cannot achieve the direct contact that is sometimes often wished in Talking Therapies but there are other ways of delivering that therapy. The Mental Health Service has been reshaped to meet the current circumstances and ours has also been enhanced in order to deliver services.

##### **3.1.1 Deputy L.M.C. Doublet:**

Can the Minister explain why the gov.je website is indicating that Jersey Talking Therapies is not open at the moment and is signposting Islanders to the Listening Lounge, which I believe, although a fantastic service, is staffed by volunteers and may not provide the clinical level of therapy, et cetera, that people need. Can you explain why this is still going out on the website and if it is not supposed to be like that would he agree to rectify that as soon as possible?

#### **The Deputy of St. Ouen:**

We have had to consider pathways in which people can enter the services and the Listening Lounge is operating virtually and is an excellent pathway for people to seek help. Then the Listening Lounge would pass on to the 3 services which have been developed under this emergency in Mental Health Services. In H.C.S. (Health and Community Services) we have a Mental Health Liaison Team but we also have a Home Treatment Team, which is available to support service users and they respond to urgent interventions that are needed when need is brought to them. We also have a Mental Health Contact Team that supports existing service users. That is very often older adults who might need help but also deals with the queries that in other times might have gone directly through Talking Therapies.

#### **3.2 Senator S.C. Ferguson:**

Given the letter sent out undated, on 5th May, advising vulnerable people they are to remain locked down for 12 weeks, this was apparently instigated by the Health and Social Services Department. Can the Minister advise who suggested this letter and why it is so late?

#### **The Deputy of St. Ouen:**

I am not aware of a letter, I have not seen a letter dated 5th May. I believe G.P.s (General Practitioners) have been going back to the vulnerable patients on their lists and reinforcing advice, checking on them, that has perhaps been done by letter. So that would be a letter from G.P.s who are now of course part of H.C.S. But I am afraid that is an operational detail which we could have dealt with in questions with notice but questions without notice I am not sighted on the letter.

**3.2.1 Senator S.C. Ferguson:**

In fact it was instigated by the Health and Social Services Department because the G.P.s have been ringing their patients in order to allay their fears and worries. It was not dated. The envelope was dated 5th May. But why does the Health and Social Services Department feel it needs to second guess the G.P.s and patients' doctors? If the Minister does not know perhaps he would find out and notify the Assembly as to what has been going on. If he needs a copy of the letter I will obtain one and send it to him.

**The Deputy of St. Ouen:**

Yes, I would be grateful if the Senator could send a copy but it is not clear at all what the letter contains. If this is about engagement and ensuring that the vulnerable are made aware of their need to shield and are told about the support that is available to them, I cannot understand why the Senator is upset that those levels of assistance should be given to those who are most vulnerable in our community. But I will happily engage with her because clearly she has concerns and if she could email me we will look into it.

**Senator S.C. Ferguson:**

Thank you. There are a lot of patients who are concerned.

**3.3. Deputy R.J. Ward:**

May I ask the Minister for Health and Social Services, it is with regard to contact tracing. When someone is shown to have the virus and contact tracing takes place, how far back does that contact tracing go? Is it 48 hours, 72 hours, one week, 2 weeks, and what is the reason for that choice of time-span?

**The Deputy of St. Ouen:**

My understanding is that the contact tracing will go back to a time when that person may have become infectious. So the aim is to track down all persons who may have picked up the infection as a result of contact.

**3.3.1 Deputy R.J. Ward:**

Written Question 170/2020 does say the period infectious but unfortunately I cannot seem to understand. Would this be 7 days because during our briefing yesterday we were told that the average infection was around 3½ days with an error rate of around 4 days, which is around 7 days to one day of infection. Can the Minister confirm he will contact trace back at least 7 days?

**The Deputy of St. Ouen:**

I do not think I can give a figure at least a certain number of days. I believe that all depends on the individual involved and a judgment is made using the information available to the contact tracer, and that comes through as a result of the testing.

**3.4 Deputy I. Gardiner of St. Helier:**

Would the Chief Minister advise if the Government has done the modelling for the size of the economy with 14 days quarantine on arrivals but no on-Island restrictions? If yes, what were the results? If not, why not, and if there are any plans in place to do research modelling?

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

The estimations we have done at the moment, which is what I am hoping to update Members on fairly shortly, although we have had a slight delay because of the other pressures on time at the moment, is the financial impact overall of the crisis to date on our finances. In terms of the very high-level figures, if I can just turn to a note I have, it is in the order of £140 million, I think, per month that we are ... sorry, I am just looking through my notes. £122 million impact G.V.A. (gross value added) a month of the estimated cost of lockdown at the moment, which gives an indication of the challenges we are facing. We have been putting together an Economic Recovery Group, which I am due to sign an initial decision on today, but it has started meeting in effectively a shadow form and we will shortly be adding an Economic Council to that. Then we will be looking at the work that we need to do on the overall recovery. But that is the only high-level modelling I have got to date. As I said, the financial impact, which is not the economic modelling, will be presented to Members in due course.

#### **3.4.1 Deputy I. Gardiner:**

If I understood correctly, £122 million is the impact of G.V.A. for the lockdown. My question is if you have capacity our Island can operate if we will have internal economy, the size of our internal economy result, no restriction on the Island but we would have restriction for incoming, like the tourism industry, for example. Basically the modelling of how the economy will look like and how much we will lose if we operate on internal economy only.

#### **Senator J.A.N. Le Fondré:**

I do not have those numbers to hand. The chief Economic Adviser has been doing a lot of work on all sorts of these areas. I think it is fairly safe to say that the economic, and perhaps this might also be more directed to the Minister for Economic Development, Tourism, Sport and Culture because I know he has been looking at a lot of this, the economic contribution of, for example, the hospitality industry towards the Island will have been severely flattened by the impact of this crisis. It would take, I think, a significant time to recover if we continued to stay or if we went to an intense form of lockdown. But the modelling that the Deputy is asking for, I can go away and see what work has been done to that level. To date we have been at high-level figures and looking at the financial impact. We have not extended the scenario, as she is suggesting, principally because, as we have indicated in our comments supporting our Amendments in the debate that is going to be coming, we did not feel that from a medical health point of view they were justified.

#### **3.5 Deputy M.R. Higgins of St. Helier:**

It is a question for the Minister for [International Development and Chair of the Jersey] Overseas Aid [Commission]. With the COVID-19 pandemic affecting almost every nation in the world, will the Chairman advise what assistance, if any, the Island is providing to the Rohingya refugees in Bangladesh and Syrian refugees in Turkey who almost totally lack medical facilities to cope with this pandemic?

#### **Deputy C.F. Labey of Grouville (The Minister for International Development and Chair of the Jersey Overseas Aid Commission):**

I thank the Deputy for his question because obviously the work of the Jersey Overseas Aid Commission continues at this time and I assume our humanitarian budget is designed to take into account ... we act on prevention as well so we give monies to O.C.H.A. (Office for the Coordination of Humanitarian Affairs) which is a U.N. (United Nations) organisation and another organisation that act in prevention and are there on the ground now. So we are already on the ground with those disasters and emergencies but also more recently we have given monies specifically to Rohingya, £200,000, to help their plight and we have throughout the last 5 years given monies towards the Syrian refugees. As I say, we give monies to U.N. O.C.H.A., which are dealing with them and they are on the ground and they can deliver monies more immediately.

**Deputy M.R. Higgins:**

I am not seeking a supplementary and I thank the Minister for her answer.

[10:30]

**3.6 Deputy K.F. Morel of St. Lawrence:**

Following on from the Chief Minister's answer to Deputy Gardiner, I was wondering if I could ask the Minister for Economic Development, Tourism, Sport and Culture what has been done to understand the economic impact of extending a lockdown period and what that economic impact is.

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

Just to follow on with some perhaps more detailed information to the question to the Chief Minister. I have been in close conversation with the Economic Adviser. Our G.V.A. [gross value added] is estimated to be about 30 per cent down right now, that is £100 million. I am sure Members will know that the G.V.A. is how we measure the value of our economy and we do that by taking the gross operating surpluses of businesses and adding it to the value of the compensation to employees; that is business profit added to payroll gives us our gross value added. That is 30 per cent down. Right now it shows that it is having a huge impact on our economy. The worst hit sectors are tourism, hospitality, wholesale and retail. Leading that activity is tourism and other services and general commerce. Tourism is running only at 6 per cent of the value of what it was at the same time last year and the other sectors I have mentioned are running in the region of 30 to 40 per cent of what they were running at last year. £100 million, £120 million a month is well over £1 billion a year off; the current value of our economy is approximately £4 billion. So that is clearly an unsustainable figure. No firm modelling has been done about whether we could exist on an economy that size as an Island. Well perhaps we could but certainly we would not have access to anything like the quality and level of services we enjoy now.

**3.6.1 Deputy K.F. Morel:**

Does the Minister know whether repeatedly opening and closing would be more damaging than one period of lockdown or has any work been done on this area?

**Senator L.J. Farnham:**

I think we will avoid having to do that because of the current safe exit strategy that we are following now, which is safely following medical guidelines, taking small steps forward and gradually reopening the economy while monitoring the spread of the virus. By doing it this way means we do not have to go straight back to harsh lockdowns, so we open step by step. If we see the curve starting to rise again, which I do not think for a minute we will because of the actions and the precautions we are taking, then we can take a step back. So rather than going into harsh lockdown and out of harsh lockdown and back into it we are moving forward in small steps but I very much hope ... more than hope, I expect because of the success of the strategy so far we will be able to continue to take those small steps and continue to gradually and safely open the economy.

**3.7 Deputy C.S. Alves of St. Helier:**

This is a question to the Minister for Health and Social Services. Senator Gorst said in a recent press conference that people are not attending their hospital appointments. Can the Minister for Health and Social Services confirm whether this is the case that people are attending their hospital appointments or whether it is in fact the case that many people have had their hospital appointments cancelled?

**The Deputy of St. Ouen:**

It is the case that routine services in the General Hospital have been cancelled so I would have thought Senator Gorst was referring to that fact, that there are people with health needs but they are not at the

time deemed urgent health needs. Their services were cancelled because the worry is that as time goes on they are unable to live with that. Their condition might be worsening or they might be taking medication and they need increasing doses whereas we are in a position now to start bringing those people back to the hospital and officers are working on a plan to resume normal service within hospital appointments as soon as we can.

### **3.7.1 Deputy C.S. Alves:**

Picking up on what the Minister has just said there, can he advise when these non-emergency or routine appointments may start taking place or not in the future again?

### **The Deputy of St. Ouen:**

I am hoping that this will really begin to come into action from early next month but it is difficult and these plans are still being drawn up because we still have to maintain what is called a hot part of the hospital in which COVID patients or suspected COVID patients can be received and treated and kept apart from all the other more normal and routine procedures within hospital. But already, as you will have seen from the daily figures released, the number of people in hospital has been increasing. That is not because we are facing any risks or any particular COVID risk but because there has been the flexibility to return to some degree of normal working. Figures are approaching 50 per cent occupancy, I think, because the hospital is usually far busier than that and people will be able to get back in a safe way. People will be receiving letters to come for appointments and to come and have their routine operations. I hope all that will be fully in swing next month.

### **3.8 The Connétable of St. Brelade:**

A question for the Minister for the Environment, if I may. Would the Minister confirm that he will make efforts with the States Employment Board to appoint an interim Director of Regulation to obviate any innuendo or conflict in the light of the existing incumbent having been promoted to the position of Director General?

### **Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

Yes, I can give that commitment. This was a matter which I discussed with the Scrutiny Panel yesterday in private sitting and it is clear that is something we should expedite because to avoid any possibility of suggestion of conflict of interest, even though at the moment I am absolutely confident the officers are conducting themselves with absolute integrity and there is not a practical issue, but nonetheless I will give that commitment.

### **3.9 Deputy S.G. Luce of St. Martin:**

It has now been a large number of weeks, a scheme to help farmers grow more crops for this coming winter has been put in place but not funded. Can I ask the Minister for the Environment if he is aware if the proposals for the scheme have gone to the Treasury and are sitting on the Minister for Treasury and Resources' desk for approval? It is quite vital. Seeds for cauliflowers, brassica crops for eating, this coming winter should have been sown weeks ago now. The urgency cannot be stressed enough.

### **Deputy J.H. Young:**

I think it is a good question. Obviously at the moment my priority has been to ensure that the details of the grant aid for the fishing industry has been progressed, and that is a matter which I raised several times. But I am pleased to report that it is now in the final stage on the Treasury desk and I have been promised action straight away. I will have to come back to the Deputy on the question of the planting scheme for the local agricultural industry. I did ask that also be dealt with and investigated - I have not had an update - I will let the Deputy have that information offline if I may and also circulate it to Members.

### **3.9.1 The Deputy of St. Martin:**

The Minister is quite right, this was part of a scheme to re-capitalise the Rural Initiative Scheme that the Minister is aware of and I know he is very supportive of that, it will help farmers be more innovative when it comes to productivity and growing more crops, so I am grateful for the Minister's response and ask him: can he just check with the Treasury when this Rural Initiative Scheme will be re-capitalised and allow this winter vegetable security issue to be finalised?

**Deputy J.H. Young:**

Yes, I will certainly give that commitment. Obviously at the moment what both the agricultural and the fishing industries have shown I think that they do need a rather more focused support here and it is not just a question of the immediate relief, it is also a big important question of ensuring that those industries are able to capitalise, to use that word, to benefit from the increased take-up of local supplies. So that is something that I think I will absolutely push for and I will make sure I give a more detailed answer to the Deputy on where we exactly are with it.

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

My question is for the Minister for Infrastructure. Much discussion on walking and cycling has been made in recent weeks and can the Minister please advise where the Department is now in relation to safety matters, which have been raised over the last couple of years at Sion?

**The Greffier of the States (in the Chair):**

Deputy Lewis, are you there? If the Minister is not there at the moment we might need to come back to Deputy Le Hegarat. In which case I will call Deputy Southern who has a question for the Chief Minister.

**3.11 Deputy G.P. Southern of St. Helier:**

Could the Chief Minister circulate to Members the detailed figures for the financial impact of what we have done so far and along with the economic and fiscal impacts and when are we likely to be able to see them if he cannot circulate them now?

**Senator J.A.N. Le Fondré:**

The intention, which I have alluded to over the last few days, is to get a briefing to Members and I was originally intending to aim for Thursday morning as part of what I will call our normal rhythm that we have been doing in terms of briefings to Members. We have been waiting for the update from the Income Forecasting Group, which was received towards the end of last week, so that is just being fine-tuned, but obviously it depends how long this sitting goes. If we move into Wednesday that will act as a little bit of a domino effect on getting things ready because it needs to go to Council of Ministers first. So the intention at present is Thursday, however it will depend on how long we take today. If not, it will be either Friday or very early next week. Be under no illusions, we want to get the initial revised and refined figures on the financial impact and we can also give some indications on the high-level economic impact to Members as soon as possible because it has a variety of ramifications on future planning.

**3.11.1 Deputy G.P. Southern:**

“Some indications” is a very vague phrase the Chief Minister just used. I would be grateful if he could, wherever possible, put the best estimate of figures on anything he produces and make sure, because it is absolutely vital as we are making serious decisions over other policies, other than fiscal and economic, we have to have the context, so I would be grateful to receive that. I hope it is this week rather than next.

**Senator J.A.N. Le Fondré:**



(a) so do I and (b) the issue, the figures will be as accurate as we can get them but the important thing here is on timely information and on the magnitude of the problem rather than necessarily the absolute accuracy. The magnitude is what we want to get across to Members.

**The Greffier of the States (in the Chair):**

Can I just explain to Members, I am calling all of the Members who have suggested they wish to ask a question the first time, and we have 2 more Members on the list, and then once we have dealt with all the Members who have wanted to ask a question the first time I will go back to Members who want indeed a third question.

[10:45]

**3.12 Deputy G.J. Truscott of St. Brelade:**

It is for the Minister for Economic Development, Tourism, Sport and Culture. Could the Minister for Economic Development, Tourism, Sport and Culture advise as to what more can be done for local business owners who, through no fault of their own, are having to take on significant debt to simply keep their businesses solvent?

**Senator L.J. Farnham:**

That is the core aim of the new Economic Recovery Programme that is about to begin. It is absolutely essential that we help businesses to keep jobs and to keep themselves operating. While there was some concern about phase 2 of the payroll scheme initially, as we start to very slowly and safely reopen the economy, it is now paying real dividends because, unlike the furlough scheme in the U.K. (United Kingdom) where staff are either furloughed or they are at work and, if they are at work, the employer gets no support for payroll at all, in Jersey the payroll support is going to businesses as they start reopening. That means they can reopen and start trading and because of the payroll support that makes it viable for them. Without that support they would have to stay shut. Officials are right now working hard on how we extend payroll schemes, how we come up with new schemes, but I said before that we will not allow a cliff-edge for business. We will have solutions, we will have good long-term assistance in place to help businesses through this and out at the other end as we start getting into full economic recovery and that is a priority for my department, of course working closely with the Minister for Treasury and Resources and the Minister for Social Security, always on the back of sound medical advice.

**3.12.1 Deputy G.J. Truscott:**

Taking on extra debt, personally I have always been adverse to debt and there does come a tipping-point for any business where you look at the debt that you have acquired and you just wonder is it worth going on. Does the Minister agree that we need to get the economy back on track but as safely as possible for the Islanders?

**Senator L.J. Farnham:**

I could not agree more with the Deputy. But while agreeing with him, of course I know that he and I will always put lives before livelihoods. In relation to debt, I know many businesses and business owners have had to take on more debt to deal with this but I am pleased to say that the support they get from the payroll scheme is granted to them; they do not have to repay it. I know that has been a huge help. I am not sure how we continue into the future but the aim has to be for as many businesses to come through this and as many Islanders to come through this having taken on as little new debt as possible.

**The Greffier of the States (in the Chair):**

Chief Minister, you wish to clarify something in relation to the Minister for Infrastructure?

**Senator J.A.N. Le Fondré:**

Yes, Deputy Lewis, I have just spoken to him, I rang him, he is having some severe technical issues so he is going to come in to Broad Street and we will get him set up with a laptop, which hopefully will give him the access. It is going to take him I suspect a good 20 minutes. If it helps Deputy Le Hegarat, there is a Statement that the Minister is making, which may answer some of her questions.

**The Greffier of the States (in the Chair):**

That is very helpful. There are quite significant technical challenges today for those who are following our proceedings.

**3.13 Senator K.L. Moore:**

Following the full answer to Written Question 155, could the Chief Minister, as Chair of the States Employment Board, outline what actions he proposes to take to ensure that the Island's best interests are pursued and the talents and expertise of both local residents and the wider Jersey diaspora are employed in future within the Government of Jersey and the Boards of its arm's-length organisations?

**Senator J.A.N. Le Fondré:**

If I can just seek a slight clarification because I have not gone back in the last few days to the written questions, is Written Question 155 to do with the use of external consultants?

**3.13.1 Senator K.L. Moore:**

That is correct. It outlined that at the moment 19 consultants are working off-Island and 20 people who are under full-time employment in the Government of Jersey are also working off-Island.

**Senator J.A.N. Le Fondré:**

I am not entirely sure what the thrust of the question is. The people who are full-time employed but working off-Island are doing so for various reasons to do with the COVID-19 crisis. Obviously they remain in full-time employment but I am very pleased that they have, I think in all of their cases but certainly one or 2 I am specifically dealing with, the amount of time and effort they are putting in, which is way above and beyond what one would normally be expecting. They have risen to the crisis admirably.

**3.13.2 Senator K.L. Moore:**

What I think concerns both people working within Government of Jersey who have contacted me privately and the wider public is that there is a general sense that jobs are being given to people who have very little local connection, if any, they have no understanding of the pressures of living in the Island, for example dealing with the cost of living, and also they lack the long-term interest in the Island and the lives of Islanders. This is a matter of great concern to the public and it is an issue that we would like to see turned around and I am asking the Chief Minister what he is going to do to tackle this.

**Senator J.A.N. Le Fondré:**

This goes back to the issue of whether you have consultants or not and at the end of the day you do not knowingly employ people off-Island when the expertise exists on the Island. In certain instances it does and in other instances it does not. When it is felt that the changes that we are bringing in to the services that we provide, which is for the benefit of all Islanders, then you will take that service, if it can be provided locally we will also be providing it locally, but it is around the quality and expertise of the people we will be using. So, for the sake of argument, as the Members will recall, we have been recruiting - and still the recruitment process continues - social workers to improve the woeful situation within those services and some of that recruitment has been done on-Island and some of that, which is about capacity and the interest in terms of there have not been people coming forward in the respective levels with the right qualifications that we need now, as opposed to those who are taking the qualifications, then we have been recruiting off-Island. I am sure the Senator

would not wish us to leave Social Services, for example, in that state while we train people up; we need to get the service to the customers, for want of a better expression, to the Islanders who need those services now.

**3.14 Deputy L.M.C. Doublet:**

My question is also for the Chief Minister. Is the Chief Minister aware of the current ongoing review in England into the disproportionate impact on black, Asian and minority ethnic communities and is he collecting any similar data in Jersey, for example on the impact on our Portuguese, Polish, and other minority communities?

**Senator J.A.N. Le Fondré:**

The very short answer is, for example, within the remit of the Minister for Health and Social Services within the hospital we are aware of some of these impacts and I believe are taking remedies to ensure there are issues and I presume on that basis they are keeping and collecting some data.

**3.14.1 Deputy L.M.C. Doublet:**

Would the Chief Minister agree to publish this data in the same way that data on gender of those affected is published and could he also inform States Members and the public if he thinks it is relevant on the measures that he is taking to mitigate any inequalities?

**Senator J.A.N. Le Fondré:**

This is not about inequality, as far as I am aware, because we already have quite a robust anti-discrimination law and good terms of employment, which would fundamentally prohibit any of those sorts of actions I think that the Deputy is referring to. In terms of publishing data, we have to be very careful because potentially, in a small Island, it is smallish numbers of people and that can potentially lead to identifiable situations. So, if the data is capable of being published without breaching privacy and the general rights between the employer and the employee, I would absolutely consider it. My understanding, if we get too specific, we run into the whole issue around privacy, but I am happy to go away and look at it.

**3.14.2 Deputy L.M.C. Doublet:**

Can I clarify something that the Chief Minister said? He mentioned that this was not an issue of inequality, so is he not aware of the well-known race and health inequalities that are well understood by many in the U.K. and would certainly also apply to Jersey?

**Senator J.A.N. Le Fondré:**

That is obviously a situation in the U.K. but when the Deputy talked about health workers I have taken it to mean she was referring to what seems to be some of the stronger impacts that seem to be happening on certain workers with certain characteristics.

**Deputy L.M.C. Doublet:**

No, I was talking about the population.

**The Bailiff:**

I am sorry, Deputy, you had a question and a supplemental and a clarification so I must move on I am afraid.

**3.15 Deputy I. Gardiner:**

The question is to the Minister for Treasury and Resources. Can the Minister for Treasury and Resources advise whether any advice has been given to the employers or their employees about an ability to claim expenses under the tax system for the cost of working from home during the COVID-19? I understand that the U.K. is suggesting £6 per week.

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

Thank you, Deputy, for your question. All the Co-Payroll Funding Scheme is available in very good detail for employers and employees about what they can claim. The figures to date, which are collated on 10th May, are about £5.5 million have already been spent on the Co-Payroll Funding Scheme and it is very clear to employers and employees how they can collect it.

**3.15.1 Deputy I. Gardiner:**

I appreciate and I am thinking not about the Co-Funding Scheme, I am thinking about, for example, finance industry that is not included in the Co-Payroll Funding Scheme and their employees are working from home, they use their home telephone line, internet, and printers and other sort of office equipment. So the question was related to the tax system and the cost of working from home without being co-funded.

**Deputy S.J. Pinel:**

I understand, Deputy, the expenses for the finance industry who are not, as you correctly say, included in the Co-Funding Scheme are down to the finance industry or the employers to employ their employees' expenses from home.

**Deputy I. Gardiner:**

Just a point on clarification.

**The Bailiff:**

No, I am afraid not. The way we operate is a question and then a supplemental question, but if there is time available you can come back with a third question if need be, Deputy Gardiner.

**3.16 Deputy R.J. Ward:**

For the Minister for Treasury and Resources, given today's reports on her rebuttal of her Assistant Minister's Gorstenomics, can she confirm that as she rules out increases to taxes this will not mean that the burden will be concentrated on those hardest hit, middle and low-income earners, but she will consider the highest earners?

**Deputy S.J. Pinel:**

I have said to Scrutiny certainly that there is no clear way forward with taxes, we are looking at everything. We have discussed the removal or the hiring of the caps on social security contributions and also long-term care, just looking at G.S.T. (Goods and Services Tax), which is a sort of agreement that it is the fairer tax across the board because everybody pays it.

[11:00]

There is not a consideration to raise income tax. So every single thing is being looked at, so I cannot give a direct answer to the Deputy at the moment inasmuch as we are considering all ways of helping industry recover from this situation.

**3.16.1 Deputy R.J. Ward:**

Is the Minister genuinely saying that a regressive tax such as G.S.T. is fairer than a progressive tax like income tax on society at a time when so many people have been hit so hard at the bottom of our income ladder?

**Deputy S.J. Pinel:**

No, I am not saying that, Deputy. I am saying that we are looking at it. It may be that we do temporarily reduce G.S.T., but in comparison with other jurisdictions it is already very low, so I am not saying that at all. I made it very clear that what we are doing is just looking at taxes and how we can help the economy recover.

### **3.17 Senator S.C. Ferguson:**

For the Chief Minister. Has a cost-benefit analysis been done on an emphasised and full all-Island testing versus supporting the economy and, if not, why not?

#### **Senator J.A.N. Le Fondré:**

There has not been a specific cost-benefit analysis done principally because, if it was the right time to do it, it would speak for itself. In other words, I agree with the principle of what the Senator is suggesting that the more people we can get back to work in a safe way, particularly if they were showing antibodies, et cetera, then obviously that reduces (a) the amount of support we are putting into businesses because it would no longer be required and (b) it would reduce the economic impact across the Island. The point about that is that because at this stage ... so where we are is we have done a pilot scheme last week. We are looking, as Members were informed yesterday, to do a much greater testing regime of around 8,000 to 10,000 people, which will start next weekend. So we know where we want to get to but if the overall rate of infection is still low, and that is coming through from statistically representative samples, there is no point in using the rest of our testing ability just to prove something that is statistically to date shown to be a low rate of transmission across the Island.

#### **3.17.1 Senator S.C. Ferguson:**

I am sorry, it is the time we should be planning and one of the factors is (a) we do not know how many people have had it and do not know they have had it and the finish or the sort of relaxation is coming ...

#### **The Bailiff:**

This does have to be a question, Senator.

#### **Senator S.C. Ferguson:**

It will be a question.

#### **The Bailiff:**

Could you get to the question quickly please, otherwise it is a speech.

#### **Senator S.C. Ferguson:**

It is absolutely rubbish, now is the time to be planning, why are you not doing it?

#### **Senator J.A.N. Le Fondré:**

Sorry, and with the greatest respect to my great friend and colleague, Senator Ferguson, from the perspective we are doing in terms of implementing a test for 8,000 to 10,000 Islanders starting next weekend. What that does is then enables us unfortunately to plan further as to what the next steps are. We have done the initial pilot - that was a couple of weeks ago - we are doing the next big step, which is 8,000 to 10,000, and then once we have assessed those results we can then go forward. What I am trying to say is that we cannot leap to test all 106,000 Islanders, roughly, next week and obviously the time that would take, until we know if it is a good use of the time and resource, which will depend on the outcome of the next step of testing of the 8,000 to 10,000 Islanders. So I am not disagreeing with her and I am definitely not saying that there is no economic benefit to knowing where this is, but I am saying we are doing this in appropriate steps.

#### **Senator S.C. Ferguson:**

I am sorry; I do not think the Chief Minister understood my question. I asked for a calculation; I did not ask for him to do the testing, I said I want the calculation. I do not think he understood.

#### **The Bailiff:**

I think this is a matter that must be taken outside the question period because we are allowing a question then a supplementary. I am afraid that I must move on in those circumstances but I am sure the Chief Minister can provide that information subsequently if he is able to do so. Deputy Pamplin has a question for the Minister for Health and Social Services.

**Deputy G.P. Southern:**

I thought you just named me previously, you confused me with Senator Ferguson. She has asked her question now,

**The Bailiff:**

The position is, Deputy Southern, that Deputy Pamplin has not yet asked a question.

**Deputy G.P. Southern:**

I do apologise. Please do not mistake me for Senator Ferguson again.

**The Bailiff:**

I do apologise, Deputy Southern, and indeed, Senator Ferguson.

**3.18 Deputy K.G. Pamplin:**

My question is for the Minister for Health and Social Services. The agreement between the G.P.s (General Practitioner) and Health and Community Services was for around a 4-month period during this crisis. We are about halfway through that arrangement now so I would like to know if the Minister for Health and Social Services can provide us an update of any conversations or work going on to look at extending that agreement or what the de-escalation of that agreement would look like if that would not be reached.

**The Deputy of St. Ouen:**

All I can say is that I have been informed that discussions are ongoing with the G.P. representatives but they have not reached any formal proposals yet and nothing has yet been presented to me, though if I understand the thrust of the Deputy's question I am also keen to ensure that we investigate what might happen after the initial period has ended and whether primary care and secondary care can work together in the closer way that they have in the last 2 months.

**3.18.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer and I guess all I can add is that if he could earnestly enquire because these things are too interlocked with how we ensure that members of the public can make sure that they are receiving any check-ups and getting back into the hospital because the elements of risk going forward are for people who may not be getting those check-ups going forward, and anything that can be done to get that going to support the hospital would be a good idea and if he could follow that up we would all appreciate that for some surety.

**The Deputy of St. Ouen:**

Yes, I will certainly follow that up. I am not sure that the question of getting appointments reinstated is directly linked to the G.P. contract. We will certainly be ensuring that appointments are increased and we are getting back to business as usual in the hospital and G.P.s are here to play an essential part in that. In terms of their contracts that work is being looked at. Of course the G.P.s will also need to consider what they wish to do. Both of those streams are continuing and I will certainly keep on top of them.

**The Bailiff:**

For the assistance of Members, the next to be called, and I am going through the order now of people who have asked for second questions, the next one who has asked for a second question in order is

Deputy Morel, then Deputy Alves, then Deputy Southern, and then Deputy Truscott, and we then move on to third questions, but I have to say there is little time available and I doubt that we will reach the third questions if indeed we finish the second questions.

### **3.19 Deputy K.F. Morel:**

I would like to ask the Minister for Health and Social Services, given that there is increasing research as well as anecdotal evidence, that COVID-19 leaves long-lasting symptoms that appear already to go on for weeks and months, given the lack of testing in the Island, we know that there are probably 3,000 people have had the virus but only 300 have been tested for it, would the Minister please advise the Assembly of how his Department is going to ensure that those people suffering long-term symptoms receive the appropriate diagnosis in order to cope with those symptoms given that they may not be known to have had COVID-19?

#### **The Deputy of St. Ouen:**

I do first of all question the Deputy's statement that there is a lack of testing in the Island. In the past week, we have announced that we wish to roll out P.C.R. (polymerase chain reaction) testing to a considerable extent, which will identify people in our community who may be asymptomatic or who may be infectious with the disease. As time goes on we will also be able to roll out further testing as the programmes develop. So, in that way, we will learn about the prevalence in the Island and of course the sampling through the serology tests will show us over time if there is an increase in the prevalence and we will monitor calls to the Helpline. We will know through tracing how that is being spread, we will know from hospital admissions if there are increases, so there are many ways that we can gauge how the disease might move through the community and we can respond accordingly. We have the ability to assess all of that.

#### **3.19.1 Deputy K.F. Morel:**

I was asking about the long-term symptoms and how the Minister for Health and Social Services and his department will deal with the wide-ranging long-term symptoms, which people are reporting and research is showing a range from anything such as loss of sense of smell, which I am still suffering from, all the way through to arthritis and other aspects as well as respiratory diseases, so would the Minister please explain how the Department is going to cope with dealing with those long-term symptoms of COVID-19?

#### **The Deputy of St. Ouen:**

If a patient needs interventions then they will see their G.P. or speak to their G.P. or, in the case of significant and serious conditions, they will come into hospital. So I am not quite sure what the Deputy is suggesting. First of all, the question of how long term the disease is, as I think he said, is a question that is still being researched. For those who have symptoms, they will remain under the care of their G.P.s and the hospital if need be. The contact-tracing teams, there will be a relationship there, and they are also able to use the Helpline and all the other services that are in place to assist them with any lingering symptoms. I hope I have understood the Deputy's question and answered that sufficiently.

#### **The Bailiff:**

We have one minute left, you have a chance for a question, Deputy Alves, of the Minister for Health and Social Services. You will have to be quick.

### **3.20 Deputy C.S. Alves:**

Will the Minister for Health and Social Services advise why the Helpline is still refusing to test people who are experiencing symptoms even though it appears that we are not reaching the target, which the Minister stated a while ago, of 250 tests a day?

**The Deputy of St. Ouen:**

I believe that everyone who is reporting symptoms is being tested. If the Deputy has concerns about somebody who has been refused a test when COVID symptoms have been recognised then would she send me the details?

[11:15]

**The Bailiff:**

That does bring the period of questions for Ministers without notice to an end. The next item of public business is a statement to be made by the Minister for Infrastructure about the reallocation of road space.

**Senator J.A.N. Le Fondré:**

Literally the Minister has just entered the building and the easiest way to sort out some of the technical stuff is that he uses my laptop, which I will just need to move a couple of people around to keep the distancing, so we will be about one minute.

**The Bailiff:**

I believe that will be helpful. Thank you very much, Chief Minister; we will wait. The Minister will now make his Statement.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**4. The Minister for Infrastructure will make a Statement regarding the reallocation of road space**

**4.1 Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):**

Apologies to yourself and Members, technical issues abound this morning. As activity in town grows with more shops opening and al-fresco dining being permissible, we need to be able to adapt our streets in the light of public health advice to meet our changing needs and support the commercial vibrancy of St. Helier. I am pleased to inform Members my team has been working on a programme of measures to reallocate space in town to assist with physical distancing, supporting commerce, and provide for better walking and cycling routes. The first measure we are looking at is the temporary closure of Broad Street to motor traffic except for commercial deliveries between specified times. It is planned that the temporary closure will start from Saturday, 23rd May, the beginning of summer half-term. Broad Street provides a useful alternative to King Street, which will become progressively busier, having to accommodate increased queuing outside its many popular shops. Broad Street also has the potential to provide for al-fresco areas for food outlets. Obviously, we have been and will continue to liaise with the Parish of St. Helier and I am grateful for their continued assistance in rolling this out to other areas. I met with the Constable yesterday and we were both very happy with the draft proposals and congratulated the team on the work that they have done. We are aware that some disabled parking bays will be affected and we are reviewing alternative locations for these. As time is short and the need pressing, the changes to traffic management will in effect be rapidly prototyped and adapted as the need arises or conditions change. We are in uncertain times. We cannot rely on traffic modelling to give us the answers. Traffic volumes will be changing as Government lockdown restrictions are reduced. People's reactions are difficult to predict. Having a progressive programme allows us to tweak schemes and to adapt as we work. Therefore, I will not be going into any detail on the rest of the proposals at this time because there is still much work to be done, in particular consultation with the relevant parties. I want the feasibility and issues to be further explored for each location before publication. My team needs to focus on working through the projects and not be distracted with answering premature questions. I hope this will come as welcome news. Some Members were asking me questions on this topic at the last sitting and I did



indicate that we were aware of the needs. We will be issuing a media release with more details of the impending closure later today.

**The Bailiff:**

There is now a period 15 minutes of questions to this Minister on this Statement.

**4.1.1 Connétable A.S. Crowcroft of St. Helier:**

I would like to echo the Minister's thanks to both his officers and staff at the Parish who have worked very fast on this. Is the Minister aware that this proposal for Broad Street, not only is very much like what is happening in many towns and cities around the world to achieve physical distancing, but it is also a proposal that is in both the current Island Plan and has been in previous Island Plans, so it is a very overdue measure that we are finally putting in place?

**Deputy K.C. Lewis:**

Yes, I was aware of that and there has been an awful lot of work done on this, both here and in the U.K. and other areas around the world, regarding pedestrianisation. But it is finding the balance between keeping the Island open and vibrant and keeping people safe and that is where we are aiming.

**4.1.2 Deputy R. Labey of St. Helier:**

With the Broad Street closure and the specified times for deliveries, could the Minister give us a bit more detail on that window; the specified window for deliveries?

**Deputy K.C. Lewis:**

Yes, we are in consultation with the delivery firms and indeed all the trades in the area, all the shops and restaurants, who may wish to have deliveries. But this is a work in progress with all the trades in the area.

**4.1.3 Senator S.C. Ferguson:**

Has the Minister considered the access to the Post Office, which will cause the increased traffic on Church Street, and especially the bus traffic?

**Deputy K.C. Lewis:**

Yes indeed. That has all been taken into account by the team who have been progressing the idea. It is all to do with keeping people safe because there are many people obviously queuing at 2-metre intervals to get into the various shops in town, so we have to make sure that people are safe who may need to walk into the road to overtake the queue of people queuing for a particular shop or facility. So it is all about keeping people safe. Cycles will still be allowed through but it is obviously priority to pedestrians.

**4.1.4 Senator S.C. Ferguson:**

Church Street is particularly unsuitable for bus traffic so what steps are they going to take to keep people safe there, particularly people crossing to get to the taxi ranks or across to the banks?

**Deputy K.C. Lewis:**

Yes, the team has taken that into account. There will be certain areas coned off and obviously public safety is paramount.

**4.1.5 Deputy R.J. Ward:**

Given that it has taken a pandemic to support better walking and cycling routes in St. Helier, will the Minister support continuation of these measures post-pandemic in order to continue the vibrancy of the centre of St. Helier?

**Deputy K.C. Lewis:**

Indeed, but obviously it is a work in progress and it was all part of the Sustainable Transport Policy, which sadly was halted by COVID-19, but this is something we are actively looking at. I have been sort of cycling over parts of the Netherlands and gaining ideas from them, but obviously we have hills so we cannot quite follow the same regime as they do, but also we are retrofitting. Everything we do in Jersey is retrofitting so we are looking at making safer cycleways, safer walkways for pedestrians, while keeping the town vibrant and keeping traffic moving.

**4.1.6 Deputy R.J. Ward:**

Is that a yes or a no?

**Deputy K.C. Lewis:**

I do not think I can make it any clearer than that. This is a work in progress. We will look at each road with the Parish of St. Helier, if it is a Parish road, and obviously we have been consulting with their teams, to make it a vibrant town. We are not going to wholesale make the whole of town pedestrianisation; that would be crazy. We need to keep traffic moving but we need to keep people safe, so, as I say, everything we do is sadly a compromise but we have to keep things flowing.

**4.1.7 Deputy G.P. Southern:**

Has the Minister got under consideration schemes for wider changes to access to St. Helier, because that is what happens if people want to come in to and out of St. Helier where most people work, by encouraging on some of the loops that there should be priority for cyclists or for pedestrians and one side of the road could be devoted to a cycle path, for example. Has he thought wider in terms of, now that we have reduced car use, how we might replace the system we have?

**Deputy K.C. Lewis:**

Indeed, these are things that are all under consideration. It was in the Sustainable Transport Policy. These are things we will be implementing but it is on a road-by-road basis.

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

If the Minister is going to close Broad Street? Could he tell me where the bus stop is going to go for the people that use that place?

**Deputy K.C. Lewis:**

Indeed, the bus stop in Broad Street will be suspended temporarily but there will be other pickup points to get people back to the bus station, but, as I say, this is a compromise and our priority obviously is public safety.

**4.1.9 The Connétable of St. Saviour:**

Because he keeps saying everything is going to be privatised and he is working very hard with it, but it seems to me that there has been little thought gone into it. Let us just close the road. You have people who ...

**The Bailiff:**

It does have to be a question, Connétable.

**The Connétable of St. Saviour:**

Yes. I want to know why the bus stop is going to be moved. If he is going to move it, where is he moving it to please? I need to know today.

**Deputy K.C. Lewis:**

Yes, the Constable can know today. It will be temporarily suspended because we have to close the road so we cannot take buses down there if the road is closed. It is just around the corner from the

bus station. I am aware that people have mobility problems and that is something that the team are working on now.

**The Connétable of St. Saviour:**

Sorry, I am not happy with that remark, he is taking away the disabled bays and now he is taking away the bus stop.

**The Bailiff:**

Sorry, Connétable, this is not an opportunity for a speech. It must be a supplementary question, thank you very much indeed.

**4.1.10 Deputy M.R. Le Hegarat:**

My question is slightly deviated but I was unable to ask this question earlier, so please advise if you think this is out of order. Much discussion on walking and cycling in recent weeks, can the Minister please advise where the Department now is in relation to the safety matters, which have been raised in relation to Sion?

**The Bailiff:**

Yes, I can allow that. Thank you, Minister.

**Deputy K.C. Lewis:**

I beg your pardon, was that Sion?

**Deputy M.R. Le Hegarat:**

Correct

**Deputy K.C. Lewis:**

Obviously, public safety is paramount in our minds, so I will ask the team to check on what is happening at Sion, but it is quite a busy road so obviously that is something that needs looking at. But I will remind the team to get back to me on that one.

**4.1.11 Deputy M.R. Le Hegarat:**

It is now noted that the JFTU [Jersey Farmers Trading Union] has moved from the premises and the site will be redeveloped. Can the Minister please ensure that, prior to any development, he engages or his team engages with both residents of the area and the Deputies that represent them?

**Deputy K.C. Lewis:**

Indeed, that is primarily a planning matter, but obviously our Roads Division will be consulted on that regarding visibility of exits from any premises.

**4.1.12 Deputy K.F. Morel:**

I would like to thank the Minister for his Statement with regard to Broad Street. Could he please assure the Assembly that the work to create more sustainable transport and pedestrianisation in town and in Broad Street will not impact on the work to make bus stops elsewhere in the Island safe and would he please therefore give an update on the bus stops on St. Lawrence main road, which is the work that his officers have stated are unsafe and would he assure the Assembly that such work will not be delayed by work happening in town?

[11:30]

**Deputy K.C. Lewis:**

There may be some slight delays because obviously the bus stops in kit form come from the U.K. so I do not think there is a major problem there but I will check with the Department that things are moving forward.

**4.1.13 Deputy K.F. Morel:**

Would the Minister please specifically reference St. Lawrence main road and whether work to make them safe will continue?

**Deputy K.C. Lewis:**

Absolutely. I will take that up with the Department immediately.

**4.1.14 Deputy K.G. Pamplin:**

Picking up on the Constable of St. Saviour's question, I have concerns also about the bus pickup spot on Broad Street, which is used by quite a lot of shoppers, pedestrians, ladies of senior age, gentlemen of senior age, children, families, so can I ask the Minister why the bus cannot be allowed access to that road, only buses, and has this been thought about?

**Deputy K.C. Lewis:**

Indeed, this has been taken into account and the team thought it unsafe to let buses through with pedestrians wandering in the street, so this is a temporary measure until COVID-19 is over, then we will review the situation.

**4.1.15 Connétable R.A. Buchanan of St. Ouen:**

I hope you can hear me; I had all sorts of technical problems this morning. I just want to ask the Minister - I noted that he is allowing cyclists into this area - what arrangement he has made to perhaps have a cycle lane or markings on the pavement to ensure that both where cyclists and pedestrians are mixing that both can do so safely without the danger of one hitting the other or vice versa?

**Deputy K.C. Lewis:**

Indeed, it will be priority to pedestrians at all times within this area, so people should either walk cycles or cycle very slowly through the area while it is being occupied by pedestrians.

**The Bailiff:**

There are approximately 2 minutes left of time available for questions to the Minister. I have no one indicating they wish to ask any further questions.

**4.1.16 Deputy K.G. Pamplin:**

Sorry, a quick one. Have the taxi drivers who use the area, I know it is just off the top and the name of the road escapes me, where the rank taxi driver point was, but it could cause some slight changes for their work and have they been consulted as part of this process at all?

**Deputy K.C. Lewis:**

Indeed, the team either will be or have been consulting with the taxi drivers. The rank in Church Street will remain the same but it will mean some slight changes to certain routes obviously for taxi drivers also, as well as the bus, but that is something that has been taken into account. It is not a major problem but it is all part of keeping the town safe and vibrant.

**The Bailiff:**

There might be time for a very quick question for Deputy Ward.

**4.1.17 Deputy R.J. Ward:**

I will be very quick. Will the Minister consider the improvement in air quality of such measures as he moves this across town as one of the positives that needs to be taken into account when evaluating the success or not of these projects?

**Deputy K.C. Lewis:**

Absolutely, we all like to breathe nice clean air and we have noticed already the lack of traffic, we look up in the sky, the lack of chem trails from the aeroplanes, and the air is much more breathable wherever you go on the Island, which is a positive thing. But we appreciate there are always people who will need to drive so we have to take that into consideration when closing roads. But this I believe is a step forward, we are doing all sorts of things with bringing cargo bikes and other kinds of pedal-assisted equipment in to make the air more breathable, to make the Island more vibrant and to aid in deliverance.

**PUBLIC BUSINESS**

**5. Reduction of minimum lodging periods**

**The Bailiff:**

Thank you very much, Minister, that brings the time available for questions to this Minister to an end. We now move on to Public Business. Before the start of Public Business all of the items listed are matters lodged over the last few days and for which notice has been given that a Proposition will be made to reduce the lodging period for each one so that they can be taken at this meeting. Chief Minister, if we turn to you first, do you wish to make the Proposition that the 2 ministerial items and the Amendment to P.59 can be taken *en bloc*?

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

Yes, I would like to propose that.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on whether or not the ministerial Propositions are taken at this sitting? Very well, we now move to a vote on that. Members will see that there is a link as to whether it is agreed that the ministerial matters and the Amendment to P.59 can be taken and I ask Members to cast their votes and the Greffier to open the voting. I wonder if Members who are indicating in the chat line their vote, could they just give the link a little bit longer in these circumstances, it is the first one and we just need to establish whether it is possible to open the link and to vote via the link.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				

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

Thank you, it is clear, link or otherwise, the majority are in favour so that Proposition has been passed. We turn now to the Proposition that Deputy Perchard will bring to lift Standing Order 26(7) in order that a Proposition may be listed for today.

## 5.2 Deputy J.H. Perchard of St. Saviour:

I am asking for the indulgence of the Assembly today to allow a debate of my Proposition P.61/2020, elimination strategy for COVID-19. I think given the urgency of the situation and the need to act quickly it is absolutely vital that the Assembly take this forward today. Members may be aware that I have had a requisition notice signed by 7 other Members and calls of support from other Members who are in favour of having this debate today, so I put that to the Assembly.

### The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak? Very well, can we put a link on the chat, Greffier? A link now appears for the Assembly to indicate whether it accepts Deputy Perchard's Proposition. I would ask the Members to vote and I open the voting.

<b>POUR: 43</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Mary		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

It is clear that the majority of Members agree to the Proposition and the Proposition is accordingly adopted.

There are 3 Amendments and an Amendment to an Amendment lodged by Deputy Morel, the Chief Minister and Deputy Pamplin. Deputy Morel, do you wish the lodging period to be reduced for your Amendment?

### 5.3 Deputy K.F. Morel:

Yes, Sir, I do, thank you.

#### The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak? Again, we will put a link up and if Members could indicate whether they agree to take Deputy Morel's Proposition at this point. The link will be up in just a moment. It could be that the Greffier has been caught by the untypical not speaking by the Members but the link is now up and I would ask the Greffier to open the voting and for Members to cast their vote via their link if they are able to do so.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (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 St. John				



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

Yes, it is clear that that Proposition has been adopted as well.

Chief Minister, you have an Amendment and an Amendment to an Amendment, do you wish to ask for those lodging periods to be reduced?

**5.4 Senator J.A.N. Le Fondré:**

Yes, please, Sir.

**The Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak? Very well, I will ask the Greffier to add a voting link again. Very well, the link is now on the chat and I ask Members to use the link for voting, which is now open.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

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

Very well, it is clear also that that Proposition has been adopted.

Deputy Pamplin, do you wish for your lodging period to be reduced?

**5.5 Deputy K.G. Pamplin:**

Yes, please. I ask the Assembly of that and I also would like Members to note that I lodged it as soon as possible but thank you.

**The Bailiff:**

Is that seconded? [Seconded] Does any Member wish to speak on that Proposition? If no one wishes to speak then I will ask the Greffier again to add a link. It will appear in the chat momentarily. I open the voting and ask Members to vote using the link.

**Deputy K.F. Morel:**

Sir, it is Deputy Morel. Just wondering at an appropriate moment if I may just say something at an appropriate moment with regard to something I just overheard because a mic was left open.

**The Bailiff:**

You can say something if it is a point of order but ...

**Deputy K.F. Morel:**

No, it is a point of order.

**The Bailiff:**

Deputy, sorry, if you could just wait for the vote to close.

**Deputy K.F. Morel:**

Yes.

**The Bailiff:**

But I just mention that so that you can think about that.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy 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 of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Yes, it is quite clear that Members have voted to adopt that.

Deputy Morel, do you have a point of order?

**Deputy K.F. Morel:**

Yes, Sir. I may be mistaken and I truly apologise if I am, I just thought I overheard, a mic was left open, suggesting that someone else vote in place of, I believe, the Chief Minister. I may be mistaken and I totally accept that. I just wanted to check that Members do ensure that is they who vote, no matter how banal the vote that we are doing at the time and just want it to be clarified that it must be the Member who votes and not somebody else.

**The Bailiff:**

That, I think, to the extent you are asking for any kind of ruling or observation from me, then I will take it as a point of order.

[11:45]

It is obviously the case that Members should be assiduous in ensuring that only they register their vote through their connection with the Assembly and I have no reason to think that that is not being adhered to. Very, well, that has been passed ...

**The Deputy of St. Ouen:**

Sir, the Deputy of St. Ouen here, may I clarify?

**The Bailiff:**

Only if there is something to clarify, Deputy. If you have used the voting machines incorrectly or something of that nature but I am certainly not assuming that there is any difficulty.

**The Deputy of St. Ouen:**

I would be grateful, Sir, because I think I am the guilty party who allowed my microphone to stay on after seconding the Chief Minister's Amendment.

**The Bailiff:**

Yes, very well.

**The Deputy of St. Ouen:**

I should say I am in Broad Street with the Chief Minister and Deputy Lewis and we were just clarifying among ourselves what we were voting on and we were talking about how we should each vote. In other words, we wanted to vote pour. I am sure that is what Deputy Morel heard. I was not at all suggesting that somebody else should be voting on behalf of a Member.

## **6. Draft COVID-19 (Workplace Restrictions) (Jersey) Regulations (P.59/2020)**

**The Bailiff:**

Thank you very much, Minister. The Assembly has voted to take all of the items currently on the Order Paper in the course of this sitting. The first item is the Draft COVID-19 (Workplace Restrictions) (Jersey) Regulations P.59 lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation.

**The Assistant Greffier of the States:**

Draft COVID-19 (Workplace Restrictions) (Jersey) Regulations 202-. The States makes these Regulations under Article 2 of the COVID-19 (Enabling Provisions) (Jersey) Law 2020.

**The Deputy of St. Ouen:**

I am sorry, Sir, we have speakers on, which we are turning down.

**The Bailiff:**

We can hear you well, I think, Minister.

**The Deputy of St. Ouen:**

Okay, I should be ready now, Sir.

**The Bailiff:**

Thank you.

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

First of all, I have lodged an Amendment to my original Proposition, which was lodged yesterday. May I ask, Sir, if I may present the Regulations as amended by my Amendment?

**The Bailiff:**

Yes, the time that we will consider that, Minister, is obviously in Second Reading, as they are Amendments to specific Articles. But that will be a matter for the Assembly as to whether they can be taken read as amended, which I will reach at that point.

**The Deputy of St. Ouen:**

I understand, Sir, thank you. I will commence. Members may recall that only a few weeks ago it was 22nd April I brought to the Assembly the COVID-19 (Restricted Trading) (Jersey) Regulations [2020] and the COVID-19 (Construction Work) (Jersey) Regulations 2020, both of which were adopted by the Assembly with a very large majority. Under the Restricted Trading Regulations I have since made Orders, including Orders allowing retail shops and outdoor areas of restaurants to open. Today I am bringing forward these draft Regulations, which will replace the Restricted Trading Regulations but it should be noted that the Construction Regulations will remain in force and are not affected by these Workplace Restriction Regulations. I hope Members will be familiar with many of the provisions of these draft Regulations. They are similar to the Restricted Trading Regulations. They, similarly, make it an offence to open a workplace in contravention of a Restriction Order but they can extend to any place in which a person works, whether that is outdoors or in a building, such as a shop or an office or in a vehicle or vessel. As I have said, the only place does it work, not included within the Regulations, are construction sites and also a person's home, unless a service is provided to somebody in that home, an example being clients may attend a private home to see a psychotherapist who practices from his or her home. In essence, by these Regulations we replace the Restricted Trading Regulations with a single legislative regime that applies to all workplaces. We wish to do that for 2 key reasons. The first is that if we were to supplement the existing Restricted Trading Regulations with a further set of regulations that apply to other workplaces, we would, potentially, create significant complications for dual-function businesses that might trade with the public and provide other services from one single site. The second reason is, as we relax restrictions on people's personal movements, we need in place a legislative regime that provides for a safe transition back to business. It would be a regime with controls that can be dialled down when it is safe to do so or in the event that we see any increase of COVID transmission rates it can be dialled up. If we can bring forward sensible proportionate controls on people's places of work, we may be able to address any future changes in transmission rates of infection via those controls in these present Regulations, as opposed to having to reimpose stay-at-home measures. The Regulations provide that, as Minister, I may bring forward a restriction order after having consulted the Medical Officer of Health if I am satisfied that the risk or potential risk is such that it is necessary and proportionate to make an order. But before making that Order I must also consult with the Minister for Economic Development, Tourism, Sport and Culture. As Members will see when we get to an Amendment to the Regulations, I have also said, and it is included in the Amendment, that I will consult the Health and Social Security Scrutiny Panel where it is reasonably practicable to do so, meaning in terms of the time, that if there is an urgent need to take action for safety reasons then it might be done immediately but if we have sufficient time we would consult the Panel. That is highly unusual for a Minister to be required in law to consult a Scrutiny Panel before making an Order but I accept these are extraordinary times and we must all be prepared to work in different ways. I believe it is appropriate for the Health and Social Security Scrutiny Panel to be the Panel in this case. Its remit includes public health policy and this is being made under the emergency legislation on public health grounds. Any Order made under these Regulations, if passed, will, like most of the COVID-19 Orders, expire 14 days after being made and they can be extended to only after further consultation with the Medical Officer of Health, the Minister for Economic Development, Tourism, Sport and Culture and the Scrutiny Panel. Under the Regulations all workplaces, specified workplaces or

specified classes of workplace, can be prohibited from opening or, conversely, they can be allowed to open whether for all purposes or for some specific purposes. Places can be allowed to open or they can be required to closed, based on a range of factors, such as opening hours, location, numbers of people in the workplace or physical building characteristics, such as lifts or air-conditioning units. The Regulations also provide that workplaces may be required to comply with relevant guidance but here is the difference from the Restricted Trading Regulations; these Regulations do not expressly set out a requirement to adhere to physical distancing requirements or other Medical Officer of Health advice. Where I can be satisfied that appropriate public health controls can be provided via other avenues, most notably by health and safety enforcement measures under existing laws, I do not intend to require compliance with further guidance that would duplicate that already in place. In this regard, we have had helpful discussions with the Scrutiny Panel and external bodies to clarify exactly how that regime would operate. Because it is the case that stakeholders have questioned the need for these Regulations, given that the Health and Safety at Work (Jersey) Law 1989 already provides for public health measures. But the reason we had to introduce further regulations is that the 1989 law allows for the control of what happens inside a workplace but does not allow for control of what happens outside of those workplaces. For example, if staggered office opening times were to be needed to reduce the numbers of people using public transport during peak hours or if workplaces needed to be closed to reduce full and congested streets, we could not deliver those measures under the Health and Safety Law; they would need these Regulations. The Regulations provide it to be an offence to open a workplace which should be shut or to open it for a purpose other than a permitted purpose. They provide that it is an offence to fail to take reasonable steps to prevent a person entering a shut workplace or to fail to comply with a specified condition in the event that conditions are indeed specified. The offences set out in the Regulations, as originally lodged, have been amended to ensure that they are proportionate. I am grateful, as I have said, for consultations we have had with the Scrutiny Panel, Institute of Directors [Jersey], [Jersey] Chamber of Commerce and Law Society [of Jersey]. I believe those consultations have resulted in the improved set of regulations. As an example of an agreed Amendment, a person is now required to take reasonable steps, as opposed to all reasonable steps and there is a difference. Reasonable steps could include, for example, instructing employees not to use office pass keys to enter a workplace which is shut because the employees would still retain their office pass keys if reasonable to do so. It could be said that taking all reasonable steps requires elimination of all methods that staff could enter a workplace, including requiring them to hand over all their office pass keys. The Amendments to the offence have also helped duplication with the provisions made under the Health and Safety [at Work (Jersey)] Law [1989]. Yesterday I circulated to all States Members a copy of the draft Order that I envisage may be made under these Regulations, if they are adopted by this Assembly and subject to consultation with the Panel, as I have mentioned. The draft Order would keep shut those workplaces which present particular risks, such as tattoo parlours and swimming pools. It would allow others to open, subject to restrictions, such as we have at the moment; restaurants only serving takeaway food or food in outdoor areas but the Order would permit all other workplaces to open. If these Regulations are adopted and the associated Order made, it will represent a change to our existing restrictions. It will help support in a timely way a safe transition back to business in many workplaces. In the event of an increase in COVID-19 transmission rates, the Regulations will allow us to be able to introduce phased restrictions on workplaces, that would allow us to target higher-risk areas, as opposed to requiring people to stay at home through a Restricted-Movement Order, which has significant implications for businesses and a very real impact on the continued well-being of Islanders. That concludes my speech and I propose the principles.

**The Bailiff:**

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

**6.1.1 Deputy K.F. Morel:**

As the Chair of the Economic and International Affairs Scrutiny Panel, we worked with the Health and Social Security Scrutiny Panel to scrutinise these Regulations and I would like to thank members of both Panels for their work in such a short timeframe.

[12:00]

I would also like to thank the [Jersey] Chamber of Commerce, the Institute of Directors [Jersey] for their input, again, in the extremely short timeframe. I would like also to apologise to stakeholders who we were unable to reach within the 2½ working days of scrutiny that were afforded to us for this Law. I would also like to thank the Minister and his officers for working quickly with us to enable scrutiny to take place. But I would like to say that I fear we are treading into the realms where creating law at haste is making it much more likely that we create bad law. While I will not speak against this Proposition, I do fear we are moving into that territory with the law that is before us today. I am very pleased that the Minister has made Amendments requested by both the consultee groups and the Scrutiny Panel and it is those Amendments which enable me to not speak against this law because I feel they are vital. But I think the Assembly does need to understand that this is not a good law. I am afraid it falls into that category, not least because of Article 3(2)(e) and I draw Members' attention to that and I will speak further on that in the Second Reading. Unfortunately, the Law is so wide-ranging that in normal times I do not believe such a law would be acceptable. The Law also includes, as we have just heard from the Minister, such as reasonable steps being taken in order to provide a defence, so to speak. As we see with regard to bankruptcy law, when it comes to the case of reasonable steps, this is the converse side of things, it becomes much harder to prosecute. It is much easier to defend, use a defence of having taken reasonable steps. I am not against that but I can see how it will make this Law very difficult to prosecute, should they wish to. I will go into more detail in the Second Reading but I just feel that the Government now needs to take a step back when it is proposing new laws and it needs to understand that we are no longer in the case where such urgency is needed. I believe had another week been taken proper scrutiny could have been done and the Island would not have been in a position where it was unable to open to businesses, et cetera. There were laws which would have tied us over, so to speak and I believe that would have been a better route. That said, although it is very much not my nature, I intend to stand against the wind rather than bend with it. I am convinced that in this case the better course of action is to bend with the wind and so that is why I will not speak against this Law. I just wish Members to take a close look and to see themselves what I think is not a good law.

### **6.1.2 Deputy J.H. Young:**

I would like to thank the Minister for explaining the benefits of the law, albeit emergency powers, as it were. But I would like to particularly ask him to elaborate, please, on the workings, how this would work, the new Regulations would work as regards the Health and Safety [at Work (Jersey)] Law [1989]. I think, in particular, I notice the Minister referred to one of the elements that would be subject to the new Regulations is physical building characteristics and he mentioned air-conditioning. The Minister was kind enough a few weeks ago, when I referred to him new guidance, the Institute of Building Services Engineers have published as a result of national work, on air-conditioning systems in workplaces, offices particularly and larger premises concerning the risk of COVID spreading. Because we all know that air-conditioning systems sometimes can be not the best in many offices. I wonder if he could perhaps say a few words on how or whether he has been able to follow that up. In particular, how these new Regulations would work with health and safety in connection with increasing the rate of air changes in air-conditioning from the standard 3 to 4 to the 6 to 15 now recommended and also the minimum humidity rates of 40 per cent. Can he just explain how these new Regulations would work? I do not feel confident that we have got that detail covered. Technically there are clearly risks there, the institute says so and I would like to feel that during this period we have got arrangements in place to manage those risks successfully that are not required to work in workplaces where those systems are not set up properly in accordance with the new rules

and are incurring those risks. If the Minister is able to clarify that, perhaps if he cannot he could circulate some information later, please, to how that is going to be done.

### **6.1.3 Deputy G.P. Southern:**

Two questions I have raised at Scrutiny previously but we may as well get them out in public here. First of all and most importantly of all, this is the first change to Regulations, to the restrictions that involves indoor space. We are told that the risks of transmission outdoors are really relatively low and it is only indoors that transmission rates are likely to be raised. In order that we do not meet a second spike of transmissions, what we must do is strictly adhere to the 14-day incubation period. We cannot afford to skimp on that and we must monitor intensively, make sure that any change, this change in particular, does not reflect in an increase in transmission in 2 weeks' time and we cannot cut that time, we have to wait. I would like the Minister's assurance that that will happen strictly. Then we talk about, this is one of these where you have got restrictions and rules and regulations and the question is, how and can you enforce that? You talk about enforcement agents, I think the starting point is the Environmental Health Officers. They are fairly busy doing all sorts of things with COVID, chasing up contacts, for example. The question is: will they have enough time to ensure that all premises are inspected and passed as fit for what is happening? In that context, I talked to him last time about this, has the Minister consulted the unions, who were represented to any great extent? They always have a Health and Safety Officer who knows the ins and outs of the practice backwards. Has he managed to talk to the unions about safety issues, in particular in this context?

### **6.1.4 Senator L.J. Farnham:**

I am pleased to speak in support obviously of the Proposition, as amended, and start by saying and reminding Members that throughout the coronavirus crisis, I think myself and other Ministers and other States Members have always stated that we need to manage the crisis based on the 3 principles of life; livelihood and well-being. These apply equally to the business community, as they do across society. We need to work with them in a measured way in order to manage the risks of the spread of the virus and that is particularly relevant when we consider the return of the business community in a safe, managed and phased way. In considering the return of businesses, the Council of Ministers have had to consider the relevant legal powers required in order to ensure we can manage the safe return to workplaces. This has included careful examination of the powers that exist under the health and safety legislation and the previous powers exercised during lockdown under the Restricted Trading Order. I consider it critically important that as we manage the safe return to workplaces with appropriate legal powers, given the risks that we are advised of, namely that at the moment the virus is still in the community, albeit at a very low level. I am confident that the Workplace Regulations, as amended, provide us with those appropriate powers. Members will be aware that there were concerns raised with some of the previous provisions of these Regulations by stakeholders, as Deputy Morel has mentioned. I explained that I was also concerned about the provisions of the Regulations in my capacity as Minister with responsibility for the business sectors. I am pleased to confirm that officials have worked closely with stakeholders over the weekend and the last few days, which include a number in the legal and business community, to address those concerns. Those concerns were mainly related to the criminal offences contained in the original draft Regulations, causing concerns to owners or occupiers of business premises, that they may commit criminal offences where it may not have been deemed reasonable for offences to be committed. For example, by neglecting to do something or not taking all steps to prevent certain actions occurring concerning the workplace. I am pleased to confirm that the Amendment to the Regulations addresses these concerns and now arise at a situation where unless a workplace is closed by the Minister under Order or only allowed to open, subject to certain conditions, we will rely on the powers in the current health and safety legislation, which are deemed more proportionate in these circumstances and which I completely support. Should though, of course, the virus transmission situation change, the Minister for Health and Social Services will now also have the powers to make appropriate Orders to control workplaces.



This legislation, combined with legislation being brought forward restricting movement, notably ensuring physical distancing, will allow us the requisite legal powers to manage the safe exit framework appropriately, which is important as we take small steps forward and will, hopefully, enable us to keep doing that. I am confident that this is the right balance at the current point in time and achieves our goal of managing the safe and phased return to workplaces. The immediate result of this at level 3 of the lockdown is that retailers have been permitted to open as of Monday, 18th May. From this Thursday, 21st May, indoor businesses, such as offices, warehouses, manufacturing and workshops, may also return to their premises to resume some workplace-based activity where this is considered essential to maintain the business function and where this work cannot be otherwise undertaken from home. Guidance on this return is being published today. Finally, I believe that this demonstrates a safe exit framework is working and that we are providing for the correct legal powers to ensure that we can manage that framework in the interests of the economy by continuing the progress of the re-openings and, of course, in the best interests of the safety and health of our entire Island community.

#### **6.1.5 Deputy R. Labey:**

The Minister states that construction sites are exempt from these Regulations. I wonder if he might tell us why the same exemption is not extended to agricultural sites. I note that on the list of consultees, the Jersey Farmers' Union did not appear. Has the agricultural industry been consulted? I do not want to upset the apple cart or the potato train and I make the declaration that my family are in farming but I receive no financial interest. Because things have settled down since lockdown restrictions were first brought in. There were some uninformed interventions on farms and finally I think that people now know how the farmers are working and how they need to work in their essential work of producing food. Things have reached an equilibrium and are progressing okay but I am just intrigued as to why it is just construction and not agriculture.

[12:15]

#### **6.1.6 Deputy R.J. Ward:**

This is on the principles and I think there are a few key principles and things that have to be asked to give context here before we move on. I generally welcome these Regulations because they provide a protection. But I just want to ask a few things and this may be an open-door question, which is very easy to answer, which I hope it is because we want to have a clear answer. Would it, for example, be an offence for a company to not enforce 2-metre distancing correctly for customers and, therefore, not be protecting staff? If so, how will this be enforced? That points to the size of the task of enforcing this. The very good point made by Deputy Young about air-conditioning needs to be really carefully looked at when we are talking about a virus. We have a context in our Island at the moment is that the people are desperate to return to work due to the enormous financial pressures they are facing day to day, particularly those who are living week to week or month to month, which is so many people on the Island. How will we ensure that the key Regulations will be enforced and corners will not be cut in order to maintain that, particularly if people go back to work and the support from the Government has ended in terms of the part-payment scheme? I would like to reiterate the importance of that consultation and work with trade unions and their members and those working on the floors of these shops in the workplaces where they are coming in contact with people every single day and the practicality of protecting staff and customers above and beyond everything else. We are, effectively, regulating what is a new normal, which we have to accept and this is very difficult for us to get our heads around. I do not think we fully have, to be quite frank, understood the effect this is going to have longer term. I just want some reassurance from the Minister. I know this is timed until 30th September but I do believe we will have to have some sort of longer term, weeks, months and perhaps years of a new normal in the way in which we interact in the workplace in order to make workers safe. I would like the Minister to address that as a principle of these Regulations and beyond.

**The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, I close the debate and call upon the Minister to respond.

**6.1.7 The Deputy of St. Ouen:**

I thank all those Members who have spoken and I will briefly respond to each of the questions. I do understand Deputy Morel's concerns about the balance that needs to be struck between bringing forward emergency legislation, which is needed to prevent harm but also the need for a careful consideration by legislative bodies. He said it is not normally acceptable and I think I can agree with that. Much of the legislation we have introduced, unless emergency, is not normally acceptable but it is being brought forward on public health advice that these are reasonable and proportionate measures to take to prevent the spread of infection. On that advice, that is the reason why we bring forward the legislation. But I am also mindful of the fact that it does need to be the right legislation and it must be in proper form. To Deputy Young, I can give him an assurance that his concerns have been the subject of a careful review; I well remember his email. The review that has taken place is going before the S.T.A.C. (Scientific, Technical and Advisory Committee) tomorrow, I believe, for those medical experts to understand the risks involved. From there we will go through the channels to be passed into whatever health and safety guidance needs to be issued, if any does need to be issued, as a result of the review. Those questions that he rightly expressed concern about have been looked at. They will be reflected in guidance as needed and, therefore, capable of enforcement by health and safety laws. Deputy Southern was, I think, right to say that this is a change that introduces indoor space working and he asks about the guidance available. Guidance is coming forward on the recommendation of the Medical Officer of Health and is being discussed with the Health and Safety Executive and with industry bodies and is being put together. A lot of work is going on behind the scenes and will continue to go on in the next few days to make sure that this guidance is completely comprehensive and thorough. I do not believe that we at the ministerial level have had direct engagement with the unions but I believe that at the level of the issuing and consultation around guidance, union officials would be part of that engagement process. I thank the Minister for Economic Development, Tourism, Sport and Culture for his comments and I hope they have clarified many of the issues and given assurance. To Deputy Labey, the construction work sits outside these Regulations because the construction work is now a permitted scheme. It would be impractical to introduce a scheme that requires every business to obtain a permit in the Island to continue in business. But we considered that was the best way of dealing with construction work but it is acceptable for all other workplaces to fall under generic workplace regulations and we will see specific guidance coming forward for particular industries. I think the Deputy referenced the guidance that has been put together over recent weeks for those working in agriculture. Deputy Ward finally spoke about regulating the new normal. Yes, it is difficult, it does provide challenges but officers have worked diligently, not just in ministerial support but in every area affected by these Regulations, including Health and Safety Executive. Industry has also fully engaged with us and are anxious to return employees to work in a safe manner; indeed that is their obligation under Health and Safety laws. Deputy Ward asked specifically about offences, whether it would be an offence to not enforce the 2-metre distancing rule. I understand that for these workplaces the intention is that the 2-metre distancing rule will be woven into health and safety guidance issued by the health and safety executive. What will be an offence will then be only if an offence is committed under our existing Health and Safety [at Work (Jersey)] Law passed in 1989. If they are concerns, it won't arise as a result of an offence which might be created under these Regulations, it would be an offence that would arise in the normal course of considering health and safety concerns under existing well-established laws, which are well understood. It passes through that filter and I hope that will give comfort to Members. I think that concludes my summing up, and I ask that we move to the vote.

**Deputy G.P. Southern:**

Sir, I do not believe the proposer has answered 2 of my questions. One which was around the capacity to inspect and enforce, especially on the workload of Environmental Health officers. Secondly, I sought assurance from the Minister that the 14-day incubation period will be strictly enforced before we see any further changes to indoor conditions in any shape or form and I did not receive that assurance at all.

**The Bailiff:**

I take that as a point of clarification by the Minister of the Minister’s speech.

**The Deputy of St. Ouen:**

I apologise to Deputy Southern, I skipped over notes inadvertently. It is Health and Safety officers who will inspect and enforce these Regulations in the normal way they do for other workplaces. Insofar as an Order might be made to shut a workplace, the police would also be capable of enforcing that if they see it is open but should be shut. Then the question of the 14 days, I understand the point that the Deputy is making, this will ultimately be a question for the advice that is given to me by the Medical Officer of Health, who receives input from S.T.A.C. and all sorts of other bodies, including outside research. We are not going to stipulate the 14-day period but of course that is known. We understand what the Deputy is saying, we have heard Dr. Muscat speak about it. I anticipate that, yes, there would be no changes within the 14-day period because it would be necessary to see what is happening but it will depend on the advice coming forward. I remind the Deputy that any changes in the order will need to be passed before the Scrutiny Panel and I will also need to consult with the Minister for Economic Development, Tourism, Sport and Culture.

**The Bailiff:**

Thank you very much, Minister. Very well, the Greffier will shortly put a vote link into the chat box. There is now a link available. I open the voting and I ask Members to use the link to record their votes. The vote is on the adoption of the principles of these Regulations. If Members have had the opportunity of casting their votes on the link or if unable to do so within the chat box, then I ask the Greffier to close the voting.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

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

I can announce that the principles have been adopted.

Does the Health and Social Security Scrutiny Panel wish to scrutinise the matter, Deputy Le Hegarat?

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

No, thank you, Sir. We have received a full briefing from the Minister for Health and Social Services and the policy officers. As a result of this, as already been discussed, an Amendment has been made, so, no, thank you.

**The Bailiff:**

Thank you very much, Deputy. Minister, the Assembly has already voted to allow the Amendment to be taken, so it seems to me that it is open to you to propose the Regulations in Second Reading, as amended. Is that what you wish to do?

**The Deputy of St. Ouen:**

Yes, if I may do so, Sir.

**The Bailiff:**

In which case do you wish to propose the Regulations then, Minister?

[12:30]

**6.2 The Deputy of St. Ouen:**

I am aware that at least one of the previous speakers wished to speak to one of the Regulations and I think it was Regulation 3. If I can perhaps deal with the first 2 and say Regulation 1 is an

interpretation provision. I think it is clear Regulation 2 allows me to, by Order, make restrictions on workplaces after consulting the Medical Officer of Health. If I am satisfied that the risk or potential risk to public health is such that it is proportionate and necessary to do so. In addition, I must also consult the Minister for Economic Development, Tourism, Sport and Culture and such an order can only last for 14 days. It can be renewed after consultation with the same consultees. It is in this order that the Amendment inserts the requirement that there would also be consultation with the Health and Social Security Scrutiny Panel if reasonably practicable, meaning if sufficient time allows and it is not a case of urgency. I would propose Regulations 1 and 2.

**The Bailiff:**

Are Regulations 1 and 2 seconded? [**Seconded**] Does any Member wish to speak on Regulations 1 and 2 only? If no Member wishes to speak on Regulations 1 and 2, then I ask the Greffier to post in the chat link. The link has now been posted in the chat box. I open the vote and ask Members to cast their vote through the link, if possible and otherwise in the chat. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. We now wait for the vote result.

<b>POUR: 48</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
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Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

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

Regulations 1 and 2 have been adopted.

Do you wish to deal with Regulation 3, Minister?

### 6.3 The Deputy of St. Ouen:

Yes, Sir, I would be grateful. In Regulation 3 this gives detail of what may be included in a Restriction Order and, *in extremis*, an Order may prohibit all workplaces from being open. I hope that will always be extremely unlikely. But of course there are graduations within that, that specified workplaces or specified classes of workplaces can be open or shut, workplaces complying with guidance. In addition, workplaces can be defined as open and shut by reference to their physical or structural or other characteristics, their locations, the numbers of people who work there, the characteristics of any person who may enter the workplace, hours of operation or the types of work carried on at the workplace. It gives sufficient flexibility on medical advice to tailor the Orders to meet specific public health measures. I think Deputy Morel earlier specifically referred to Regulation 3(2)(e), which gives a power to make an Order by reference to the characteristics of any person who may enter the workplace. If I may explain, you must bear in mind that this is a public health measure, for example, if it was an undue risk for people who suffer from diabetes to be at work in a particular workplace, this would allow me to make an Order that would provide that people with such a condition may not enter a workplace. This is entirely hypothetical. We are not saying that people with diabetes should not work but it is that sort of measure that would come forward if it was needed. This would always be on health advice, on the advice of the Medical Officer of Health after consultation with the Scrutiny Panel and others. It is not something that any Minister would ever use to be capricious about. We must also bear in mind that of course any Member of the Assembly has the ability to call in an Order and challenge it if it thought the Minister was acting capriciously or in excess of powers. It is not my intention to use it if that is the fear of the Deputy. With that, Sir, I would like to propose Regulation 3.

#### The Bailiff:

Is the Regulation seconded? [**Seconded**] Does any Member wish to speak on Regulation 3?

#### 6.3.1 Deputy K.F. Morel:

I would like to thank the Minister for speaking then. Before continuing I would just like to say in my mention of thanks at the beginning of my previous speech I forgot to thank the most important person of all, who is the Scrutiny Officer for the Health and Social Security and the Economic and International Affairs Scrutiny Panels for her work. We are extremely grateful to her and I would like to correct my omissions. The Regulation that has been referred to by me, myself and the Minister,

Regulation 3(2)(e), is extremely concerning in ordinary times, that is for sure, and it remains in many ways no less concerning at a time of emergency such as this. It states that the Minister may, by Order, prohibit somebody from entering the workplace based on the characteristics of any person who may enter the workplace. This is an extremely clear example, in my view, of the bad law that I was referring to earlier. To the Minister's credit, it is because of the particular Minister, and I absolutely accept that he would never act capriciously and he would only act on medical advice. Also, because the Minister has accepted and taken the unusual step of agreeing to pass the draft Orders past the Health and Social Security Scrutiny Panel in advance that I feel I am able to support the law in its current state. It could have been argued quite strongly that the characteristics of any person should have been amended to perhaps the health characteristics of any person or the health and age characteristics of any person, something along those lines to make it more specific. Because quite simply we are at the moment providing the Minister and, I repeat, I believe this Minister is a perfectly safe person to pass this Law to in the State. I do not believe he will act in any poor way with regard to this. But we are saying that the Minister can ban people from the workplace based on any characteristic of that person. That is not a line of law that should, in any normal times, ever be seen in a law of Jersey, in my opinion, and I would expect the States Assembly - certainly in normal times where the law is not time limited - to agree with that assertion. We are giving the Minister the power to choose any characteristic of a person and say that that person may not enter the workplace. That could be a characteristic based on their sex, their race, their religion, the colour of their hair, the size of their ears or anything. Any characteristic of the person can be used as a reason to prohibit them from entering the workplace. I would just like to highlight this to the Assembly. I am not asking them to vote against it because this Law is time limited. The Minister has given Scrutiny that extra security of passing Orders by them before they come into force and the Minister himself is certainly of the character and the type of person who would never, in my opinion, misuse such a law. We see in other countries how such a law could be misused by perhaps more authoritarian leaders who would jump on such a line in the law and misuse it accordingly. I just want to highlight to the Assembly why I believe it is necessary from now on, where there is less urgency now, that there should be greater time provided to Scrutiny for any laws going before the Assembly than the 2½ working days provided for this Law because it is lines like this which we really should not allow into the laws of this Island in my view. I repeat I do not ask the Assembly to vote against the law but I just wanted to highlight to them, and I do hope they share my concerns, and will also understand why I have raised this point. Thank you.

**The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak on Regulation 3? I call upon the Minister to respond.

**6.3.2 The Deputy of St. Ouen:**

I thank Deputy Morel for what he has said and how he has explained his concerns. I can assure the Assembly that this draft and these particular words used were recommended as appropriate by law draftsmen to achieve our policy intention, which was to prevent people with serious health conditions from harm in returning to work or was based on medical advice and now, in addition, for that advice to be shown to the Scrutiny Panel when I bring forward any Orders to them in consultation. We rely, all of us, on advice coming forward from draftsmen as to how best to word these things but I am grateful to the Deputy for his words and ask that we proceed to a vote next.

**The Bailiff:**

Very well, I will ask the Greffier to put the voting link in. The link is there. I open the voting and I ask Members to vote in the usual way. The vote is on the adoption in Second Reading of Regulation 3 as amended. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and we just now wait for the results to appear on the screen.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Regulation 3 has been adopted.



That brings us very closely to 12.45 p.m. when we should consider the matter of adjournment. In the chat, however, Members may have noticed that Deputy Ward has raised the point that we should, at this point, now consider whether or not the Assembly wishes to continue past 5.30 p.m. this evening. It seems to me that it would be appropriate to the Assembly if it wishes to give consideration to that point now and therefore I ask the Chairman of P.P.C. (Privileges and Procedures Committee) for any observations.

[12:45]

**Deputy R. Labey:**

Well, I have not heard from Members. I am sorry, I have just got back in technically because I had to log out and then log in with verification. I think it is always difficult at lunchtime, is it not, to make this decision because it is like looking into a crystal ball to see where we might be at 5.30 p.m.? Personally, I would be open to a possible extension to get things completed today but I also understand the strong feelings of those who are desperate to get away for certain reasons at 5.30 p.m.

**The Bailiff:**

Thank you very much. Senator Farnham, do you wish to speak?

**Senator L.J. Farnham:**

I think our experience shows that the States Assembly has a tremendous ability to make debates fit to the time allotted and so if we were to agree to sit past 5.30 p.m., I think the temptation to fill up that time might be adapted readily by States Members. I would, at this stage, like to propose that we finish at 5.30 p.m. and continue tomorrow, if necessary. Thank you.

**Deputy R.J. Ward:**

The point is we have decided as an Assembly previously we will make a decision at lunchtime so that people can make arrangements at 5.30 p.m. For some of us, we can continue past this time, we do not have childcare arrangements at the moment, we do not have to worry but, for others, they do. If we are genuinely to be an inclusive Assembly, then we need to ensure that we make these decisions early so that people can make arrangements. I am disappointed with the Chair of P.P.C. saying that we cannot make that decision now. That is exactly what we need to do for certainty. Otherwise, we would get to 5.30 p.m. again and we may well have a situation where people want to extend in order to, I do not know, just finish something off but please can we just make a decision now to finish at 5.30 p.m. and move on tomorrow if that is where we are. If we need to continue with speakers tomorrow, then we move on to tomorrow. That is the point I want to make and not have these last-minute propositions from people who are willing to just continue and continue. Thank you.

**The Bailiff:**

Very well. Well, so far, the Propositions that are before us, I suppose, are to finish at the scheduled 5.30 p.m.

**Deputy L.M.C. Doublet:**

I do not want to have a debate on this. We have rehearsed these arguments over and over and over again and it is an inefficient use of our time to keep rehearsing them. Can we please stick to our 5.30 p.m. finishing time because there are those of us who ... I am sorry, it is not fair for the Chairman of P.P.C. to describe people as being “desperate to get away” at 5.30 p.m. but there are Members of this Assembly who have responsibilities that they need to attend to in the evenings and will be disenfranchised if we sit late. I have said this before in the past. If there is a big debate such as a budget debate or a strategic priorities debate, then, yes, we make plans in advance to cover those responsibilities but staying beyond 5.30 p.m. as a matter of course is not an efficient or fair way to run the Assembly. So I implore Members to please stick to the 5.30 p.m. time and, as Senator

Farnham said, we can be efficient and we can definitely finish at that set point. Also, we have a continuation day tomorrow which has already been agreed and is in Members' diaries so I see no problem with using that continuation day if we need it.

**Deputy G.P. Southern:**

Briefly, we are either family friendly or we are not and I think we should be showing the way for employers throughout the Island. I vote that we finish at the time when we should which is 5.30 p.m. and only in the most extreme circumstances of desperation do we go on beyond 5.30 p.m. for anything.

**Deputy M. Tadier:**

I will only take a moment and I have been deliberately restrained this morning. I do want to support Senator Farnham and so I will be voting for his proposal. I think it is really important that the Chairman of P.P.C. - and I know that we have spoken on this together privately - sets down some conditions for when, if at all, we sit past an allotted time because, believe it or not, I am a pragmatist and not always a dogmatist. I think that there are times when it is sensible to sit for another 10 minutes, another half an hour, another hour perhaps if it to get an important piece of business finished. Last time, we saw this strange situation where we forced a Member of the Assembly to finish his Proposition when he was not prepared to do it and he did not want to. Now the conditions I would suggest is if we are going to sit past 5.30 p.m. in any given day that, first of all, it should finish the entire business for the Agenda. So if we are coming back the next day anyway, there is little point in sitting until, let us say, 7.30 p.m. if we are going to have to come back the next day perhaps only for an hour or 2. Similarly, we should not force anyone whose proposition it is or who is a key speaker in the debate to sit there ...

**The Bailiff:**

Deputy.

**Deputy M. Tadier:**

That said, Sir, if I may finish quickly.

**The Bailiff:**

There is a Proposition before the Assembly which I have noted on the chat has been seconded which is that we stop at 5.30 p.m. Speaking to that Proposition is appropriate. Setting out guidelines to consider all things in the future possibly is not and that could be dealt with outside the context of this debate and I wonder if you could speak to the Proposition.

**Deputy M. Tadier:**

Okay, I understand that, Sir, but I think we are going to come back to this at 5.30 p.m. anyway. Someone is going to have the bright idea of finishing at 5.30 p.m. so it is a nuanced argument that I am making. It is not wholehearted support for the Proposition. What I would say - sorry, I have been thrown a little bit there - is that the difference now of course is that it is possible to stay an extra half an hour and carry on with your business. So we can sit in our lounges and keep the audio on in the background and the video and when the link pops up, we can simply click on the link and record our vote for our constituents. So it is not simply a case of standing up and saying: "I am disenfranchised" because we can be in the kitchen, we can be cooking, we can be sitting down or we can be doing emails to our constituents. As soon as the link comes up, even if we do not want to speak, we can still vote. That is the beauty of technology. So I do not think we need to play it too hard because we know we can sit there and have a cup of tea, some of us can even have a glass of wine if we want to, and still make sure that we vote.

**Deputy J.A. Martin:**

I can see where this is going. I just wanted to put the counterargument after Deputy Doublet and I absolutely have every sympathy that we should, if we can, leave at 5.30 p.m. but we could be in the middle of discussing P.61 in one of the forms and, whichever form, it has a fundamental effect on the way the Government goes forward. It might even be ordering lockdown at some point tonight or tomorrow but it only gives us 2 weeks. I am very, very wary ...

**The Bailiff:**

Thank you very much, Deputy. I am sorry, were you cut off as we cannot hear you?

**Deputy J.A. Martin:**

You could not hear me at all, Sir?

**The Bailiff:**

No, we heard right up until about 15 seconds ago.

**Deputy J.A. Martin:**

Yes. No, that was just a point. We have a very, very important debate this afternoon and I think the public, and it is the public because the Island need to know which way we are going ... I think be cautious to go home at 5.30 p.m. if we are nearly there or even an hour or 2 more. Thank you.

**The Bailiff:**

Very well. That is the counterargument.

**Deputy R. Labey:**

Well, yes, if I could just quickly correct Deputy Ward. I did not say we cannot make that decision now. I said it is difficult because of the tensions that exist which have just been elucidated by Deputy Martin and to Deputy Doublet, I was caught on the hop and my expression might have been clumsy. I have absolutely no problem with supporting Senator Farnham's Proposition. Absolutely no problem and I do support family friendly working and I have complete understanding and sympathy for those who have real life issues to deal with in terms of childcare or whatever.

**The Bailiff:**

Very well. Thank you very much, Deputy. No one has indicated that they wish to speak any further and, therefore, I suggest as it is a very clear matter, it is simply a vote on whether we continue with the status quo which is an end at 5.30 p.m. That is what the Proposition is and I would ask the Greffier to put a voting link within the chat. Yes, to be clear, the links in the chat are in the event of course that we have not finished today. There is a continuation day tomorrow and the States will continue tomorrow as for any other continuation day. Very well, I will open the voting and ask Members to vote in the normal way. I ask the Greffier to close the voting. We will wait for the result to come up. So just to be clear, it is open to the Assembly to simply continue tomorrow if business is not finished today. Very well.

<b>POUR: 38</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator L.J. Farnham		Connétable of St. John		
Senator J.A.N. Le Fondré		Deputy J.A. Martin (H)		
Senator T.A. Vallois		Deputy S.M. Wickenden (H)		
Senator K.L. Moore		Deputy of St. Mary		
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Saviour				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy 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 S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Proposition to finish at 5.30 p.m. today has been passed. Accordingly, the decision of the Assembly is that we will stop at 5.30 p.m. today.

### **LUNCHEON ADJOURNMENT PROPOSED**

**Senator L.J. Farnham:**

May I propose the adjournment returning at 2.15.

**The Bailiff:**

The adjournment is proposed until 2.15. There is a request that Members stay on for a few minutes to test a further voting system, which may well make things more efficient but as of now we stand adjourned until 2.15.

[12:57]

### **LUNCHEON ADJOURNMENT**

[14:19]

**The Bailiff:**

Very well, we now continue with the remainder of the Regulations in the Second Reading of the Proposition. I am aware that some Members may well be having some difficulty participating in the

meeting because of a general internet problem. At the moment we have a sufficient number and the Assembly is quorate, therefore I will continue, but if there is any difficulty or it turns out that we are having difficulty maintaining a quorum, then it may be necessary to suspend the meeting either for a period until it can be resolved or more likely tomorrow morning for the day that the Assembly has agreed to continue with matters. Very well. Minister, we have dealt with Regulation 3. How do you wish to deal with the remainder of the Regulations?

#### **6.4 The Deputy of St. Ouen:**

If I may, I would like to take the remainder together, beginning at Regulation 4 and going to the end, and simply to say that Regulation 4 deals with enforcement. I have mentioned previously that most of the safeguards here will fall under the Health and Safety at Work regime and so officers from that department will be enforcement officers. Police officers can also act. Regulation 5 deals with offences. These offences will only apply where an order has been made against a business telling it to shut, and so they are classes of businesses who may not open at the moment, for example, swimming pools, and also businesses who may only open for specified purposes. But for all other businesses permitted to open, they will not commit offences under these Regulations, but they will be regulated by the guidance that exists under the Health and Safety Executive and the Regulation, the control will be in the observance of that guidance. So I can say that the Health and Safety team have set up a central contact point and businesses can contact them there for any further advice about the extensive guidance that is now being produced. The remaining sections Members will recognise as ones that are often repeated, offences by body corporates, limitations of liability and citation, et cetera. I would propose Regulations 4 to 9.

#### **The Bailiff:**

Seconded? [**Seconded**] Regulations 4 to 9 have been seconded. Does any Member wish to speak on Regulations 4 to 9? If no Member wishes to speak, then I ask the Greffier to place in the voting link in connection with Regulations 4 to 9. The link is now on the chat and 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 ask that the results be put on the chat.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				

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

I can announce that the Regulations have been adopted in the Second Reading.

Do you wish to deal with the matter in the Third Reading, Minister?

**6.5 The Deputy of St. Ouen:**

Yes, please, Sir.

**The Bailiff:**

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

**6.5.1 The Connétable of St. Saviour:**

Yes, please. Could I just ask for clarification on something, please?

**The Bailiff:**

Yes. You are entitled to make a speech in the Third Reading, Connétable, and as a result of making a speech then the Minister will respond, so if you would like to raise the points that you wish to raise, yes.

**The Connétable of St. Saviour:**

There has been a lot said in the Minister's speech about health and safety and things like that, but it has been drawn to my attention that the new Nightingale Hospital does not come under Health and Safety Regulations and it is not going to be signed off - I may be speaking out of turn - and also a fire truck is going to have to be situated there constantly. I would just like the Minister to confirm whether this is true or not.

**The Bailiff:**

Does any other Member wish to speak in the Third Reading? If no other Member wishes to speak in the Third Reading, then I close the debate and call on the Minister to respond.

**6.5.2 The Deputy of St. Ouen:**

I must say that Connétable Le Sueur-Rennard's comments were a surprise to me. I fully expect the Nightingale Wing to be subject to all Health and Safety Regulations and indeed all medical requirements for ensuring a safe place for staff and for patients. I believe there will be some presence from the Fire Service there. That is normal in a Nightingale Hospital throughout the U.K. also. If the Connétable has specific concerns, I would be very grateful to hear, and also what she has learned with a view to setting her mind at rest. Otherwise in the Third Reading I would like to thank all those who have assisted with the drafting of these Regulations and my officers, who have worked hard to engage with Scrutiny Panels and stakeholders. I believe we have reached the point at which we can be confident these Regulations are a good framework for ensuring that Islanders can safely return to work and I thank Members for their support.

**The Bailiff:**

Thank you very much, Minister. I therefore ask the Greffier to put the voting link into the chat and I open the voting and ask Members to vote in the normal way. The vote is on the Regulations in the Third Reading. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and I ask that the result be put up.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				

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

The Regulations have been adopted in the Third Reading.

## **7. Draft COVID-19 (Civil Partnership and Marriage) (Jersey) Regulations 202- (P.60/2020)**

### **The Bailiff:**

The next item of Public Business is the Draft COVID-19 (Civil Partnership and Marriage) (Jersey) Regulations, P.60, lodged by the Minister for Home Affairs and I ask the Greffier to read the citation.

### **The Greffier of the States:**

Draft COVID-19 (Civil Partnership and Marriage) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the COVID-19 Enabling Provision (Jersey) Law 2020.

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

Members will know that marriages and civil partnerships are currently suspended until 1st July, but the administration processes required before any ceremony can take place usually commence about 6 weeks prior to the intended date of marriage or civil partnership, therefore we need to decide now how to restart the administrative process in a safe and controlled way. I am proposing the draft Regulations to achieve 2 things: to ensure the ongoing function of the civil registration that is provided by the Superintendent Registrar; and secondly, to enable the administration process that is required prior to the solemnisation of a marriage or registration of a civil partnership in compliance with physical distancing guidelines. Currently under the law there are certain steps within the administration process that require face-to-face contact between the couple and the Superintendent Registrar or her staff. These draft Regulations would allow the administrative steps that previously required a face-to-face meeting to take place over audio-visual link. The Regulations would, if adopted, make 2 temporary Amendments to the Civil Partnership [Jersey] Law 2012. First, the Regulations would modify the requirement for the Superintendent Registrar to display in the entrance to or outside the office of the Registrar a list of notices of civil partnerships. Instead, the Superintendent Registrar would be required to display notices of civil partnerships on the gov.je website, as is the current requirement for marriages. Secondly, the Regulations would also introduce a temporary modification to the law that enables declarations usually required to be given in person to be made via audio-visual link. In addition, the draft Regulations would, if the States approve today, make 3 temporary Amendments to the Marriage and Civil Status [Jersey] Law 2001. Similar to civil partnerships, it is required by law for all notices of intended marriages to be displayed at the office of the Superintendent Registrar and on the gov.je website. These draft Regulations would



remove the requirement for notices of intended marriage to be displayed at the office. That is important, because the office is going to remain closed probably for some months. The law currently prescribes 2 ways a couple can give notice.

[14:30]

They can either attend the office of the Superintendent Registrar to give notice or not attend and give notice by means such as the post. The law currently requires that if a couple attend the office to give notice, they must, in the presence of the Registrar, both sign the notice of intended marriage and a freedom to marry declaration. These draft Regulations would temporarily override that requirement so that all notices of intended marriage would be required to be given by post or similar, as already currently permitted. This change would remove the requirement of face-to-face contact that is triggered by a couple attending the office of the Registrar to turn up to give notice of their intention to marry. There are 3 further scenarios where face-to-face contact is required between a couple and the Registrar prior to the issuing of a marriage schedule or the marriage licence: prior to the issuing of a conversion form and prior to the issuing of a Certificate of No Impediment. Again, these will be carried out by the Superintendent Registrar over audio-visual link after positively identifying the applicants. Like other legislation in this area, these Regulations are temporary and will expire at the end of September this year. As I say, these are time-limited and proportionate and necessary and I propose the preamble.

**The Bailiff:**

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

**7.1.1 Deputy M. Tadier:**

Can I just ask the Minister whether or not any consideration was given to being able to marry virtually and, if not, why not? It seems that if we can hold meetings virtually, so long as we know who people are, they should be able to get hitched via the power of ... and we have got some ...

**The Bailiff:**

You seem to be cutting out a little bit, Deputy. Had you finished your speech? Deputy Tadier, have you finished your speech? We have to move on. Does any other Member wish to speak to the principles? If no other Member wishes to speak to the principles then I close the debate and call on the Minister to respond.

**7.1.2 The Connétable of St. Clement:**

I can say to the Deputy, to my knowledge, such a method of getting married or entering into civil partnerships was not considered. It does not sound terribly romantic, does it? I maintain the principles.

**The Bailiff:**

Very well. I would ask the Greffier then to open the voting link. The link is now in the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting and to post the result on the chat.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The principles have been adopted.

Deputy Ward, does your Scrutiny Panel wish to call this matter in?

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

No, Sir. If I can make a point, there was a Comments Paper and I would like to point out again the speed and rapid nature in which that was turned around by the Scrutiny officers and I would like to thank them again for the work they are doing. There was nothing controversial and that was circulated, so no, we do not need to call that in. Thank you.

**The Bailiff:**

Thank you very much, Deputy. How do you wish to deal with the matters in the Second Reading, Minister?

**7.2 The Connétable of St. Clement:**

Could I propose the Articles as read and *en bloc*? I will attempt to answer any questions.

**The Bailiff:**

Yes. Are the Articles in the Second Reading seconded? **[Seconded]** Deputy Guida has seconded. Does any Member wish to speak in the Second Reading? If no Member wishes to speak in the Second Reading, then I close the debate and ask the Greffier to post a voting box in the chat. There is going to be a small delay until the vote comes into the box. Very well, Members will now see that the link has appeared. 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.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Regulations have been adopted in the Second Reading.

Do you propose the matter in the Third Reading, Minister?

### 7.3 The Connétable of St. Clement:

Yes, please, Sir, and in doing so, can I in turn thank Deputy Ward and his Scrutiny Panel for the speedy and positive way they dealt with these Regulations? It really is very much appreciated. I propose the Regulations in the Third Reading.

#### The Bailiff:

Are the Regulations in the Third Reading seconded? **[Seconded]** Does any Member wish to speak in the Third Reading? If no Member wishes to speak in the Third Reading, then I ask the Greffier to put up the voting link. There may be a small delay. The link has now been posted. I open the voting and ask Members to cast their vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

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

The Regulations have been adopted in the Third Reading.

## **8. COVID-19 Elimination Strategy (P.61/2020)**

### **The Bailiff:**

The final item of Public Business is the COVID-19 Elimination Strategy, P.61, lodged by Deputy Perchard, 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 - (a) to request the Chief Minister to develop and implement a new COVID-19 elimination strategy, arising from which the Government of Jersey should revise its “delay, contain, shield” policy and the “safe exit framework” to reflect this new strategy; (b) that the elimination strategy must detail a plan of action that will be implemented with the explicit aim of eliminating the virus in Jersey through well-recognised measures used to eliminate infectious diseases - rapid case detection identified by widespread testing, and rapid case isolation and contact tracing; continued intensive hygiene promotion; border controls with high-quality quarantine of those arriving in Jersey; intensive physical distancing that may include various severities of lockdown; and a co-ordinated communication strategy for elimination; (c) to request the Chief Minister to publish this elimination strategy in a report to the States within 2 weeks of the date this Proposition is adopted, and to publish updated versions of the strategy whenever guidance is altered, in order to ensure that everyone remains fully informed about the current strategy.

### **8.1 Deputy J.H. Perchard:**

Today I am proposing that the Government adopt a COVID-19 elimination strategy. Before we get into the detail, it is important to acknowledge that we could not even have this debate if it was not for the fact that the Government have been so successful in flattening the curve. The measures

introduced so far, such as social distancing, the handwashing campaign, school closures, trading restrictions and other measures, have resulted in Jersey almost eliminating COVID-19. However, there has been some confusion in the public domain about the strategic aim of the Government and the direction that we are now travelling in. This debate is an opportunity for Backbenchers and the Government to understand and to agree together to pursue a specific strategic aim in tackling the virus in Jersey. Given the importance of this moment and the seriousness of this health crisis, I expect that Government will allow Ministers to vote with their conscience rather than with collective responsibility. I also hope that all Members, irrespective of their role, enter into the debate with civility, open-mindedness and a true desire to understand the approach that is currently being taken and the one that I am proposing today. This leads me on to an explanation of the Proposition and a comparison with the current approach. My Proposition asks the Assembly to consider taking an elimination approach to coronavirus in Jersey. The Government so far have pursued what is called a control approach to the virus. This is not merely a semantic issue. Elimination and control are medical terms regarding infectious disease that have specific and different meanings. However, methods of control can look very similar to methods of elimination, so I will now explain the similarities and differences between these approaches. To control an infectious disease means to reduce the number of cases and the mortality rate to what is deemed to be a locally acceptable level using measures such as those that we have already seen on the Island. To eliminate an infectious disease means to reduce the number of new instances of the disease to zero in a specific geographic region. Having achieved this, an elimination strategy would then include measures to be implemented to ensure that when new cases do arise - and they will - that they are quickly and robustly tested, traced and treated to prevent the resurgence of community transmission. An elimination strategy does not mean that you eradicate the virus. What it means is that your main goal is to prevent new transmissions in the community and that you quickly shut down any new cases as soon as they appear. The difference between eliminating an infection and controlling it is that with elimination you pursue a goal of zero new infections. With a control approach, you pursue a projected number of cases that you deem to be acceptable. One question I have for the Government and the Assembly today is in the planning of their control approach what was deemed an acceptable level of transmission and why was it not zero? The reason I have brought this debate is because the measures that we have taken so far reflect measures you would expect when implementing an elimination approach: school closures, trading restrictions, social distancing, hygiene measures and so on are all steps that other jurisdictions have taken when explicitly pursuing elimination.

[14:45]

So far we have pursued control, but in fact have almost reached elimination. My argument is that we should take advantage of this and pursue elimination over control. Part (a) of my Proposition prompts Members to ask themselves this: should we carry on with this control approach or should we pursue elimination? So what does life under an elimination strategy look like? That depends entirely on the details in the strategy that the Government would have to bring forward, but to give a sense of things we could expect to see in a high-quality elimination strategy, I have provided a framework in part (b) of my Proposition. This 5 bullet point framework is taken from the *New Zealand Medical Journal* and that is because New Zealand have explicitly pursued elimination for COVID-19 from the beginning. If this Proposition is adopted, the Chief Minister would need to ensure that the following 5 areas of infection elimination are considered in the strategy: border controls with high-quality quarantine of incoming travellers. I should say at this point that I intend to accept the Amendments of Deputy Morel and so this would also include the option to test at the border. (2) Rapid case detection, identified by widespread testing, followed by rapid case isolation and swift contact tracing and quarantine for contacts; (3) intensive hygiene promotion and provision of hand hygiene facilities in public settings; (4) intensive physical distancing. It is not up to me to determine what that means in terms of the opening and closure of organisations or places. That has to be led by the medical advice. (5) A well co-ordinated communication strategy to inform the public about control measures

and about what to do if they become unwell and to reinforce important health promotion measures. As you can see from this framework, the Government have already made incredible progress in some of these areas. There is a lot to unpack in these 5 things and I know that Members will want to raise specific questions about them in this debate. I have presented this well-recognised framework to give structure to a potential elimination strategy. However, this debate is not about the detail that sits within the structure. This debate is about our overall strategy aim. Decisions to push which levers when is something that requires expertise beyond the Assembly and is for the Government to decide in consultation with medical experts. Obviously a high-quality strategy requires cost-benefit analysis, projections of the economic impacts and plans to target areas of vulnerability. I would expect it to be taken as a given that these considerations are made by Government in the development of any strategy, including this one. We are here to discuss this principle. Do we want to take this approach or not? If we decide that we do, then part (c) gives the Chief Minister 2 weeks to bring this elimination strategy back to the Assembly. A final note before I open up the debate. To the best of my ability I have worked constructively and collaboratively with Government, opening doors to a productive dialogue regarding our understanding of the terms “elimination, eradication and control of infectious disease” and the rationale for me bringing this Proposition. This Proposition celebrates what has been achieved by Government so far and strives to build on it for a more ambitious outcome for Jersey, an outcome that I believe could save lives. This is the time for us to put aside our personal political agendas and embrace the challenge of a new way of thinking in order to do what is best for Islanders and the Island. I propose the Proposition.

**The Bailiff:**

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

**8.2 COVID-19 Elimination Strategy (P.61/2020): second Amendment (P.61/2020 Amd.(2))**

**The Bailiff:**

There are 3 Amendments, the first of which is lodged by Deputy Morel of St. Lawrence. I ask the Greffier to read the Amendment. If Members will bear with me at the moment. Yes, in fact, the first Amendment that falls to be dealt with is that which deals with paragraph (a), which is the Chief Minister’s Amendment, the second Amendment, and I ask the Greffier to read that Amendment.

**The Greffier of the States:**

Page 2, paragraph (a), after the word “implement” for the words “a new” substitute the words “an updated”; after the word “COVID-19” delete the word “elimination”; after the word “strategy” for the words “arising from which the Government of Jersey should revise it” substitute the words “adapting the”; after the words “safe exit framework to” insert the words “ensure the continued control and suppression of the virus in a safe and sustainable way that protects Islanders by causing the least overall harm; delete the words “reflect this strategy.” Page 2, paragraph (b), after the words “that the” for the word “elimination” substitute “COVID-19”; after the words “plan of action that will” insert the words “seek to keep the virus at very low levels and”; after the words “be implemented” delete the words “with the explicit aim of eliminating the virus in Jersey”; after the words “measures used to” insert the words “control, suppress and ultimately”; after the words “eliminate infectious disease” insert the words “based on professional advice including”; in the third bullet point, after the word “quarantine” insert the words “and/or rigorous testing”; in the fourth bullet point after the word “lockdown” delete the word “and”; in the fifth bullet word, after the word “strategy” delete the words “for elimination” and after the semi-colon insert the word “and.” Page 2, paragraph (c), after the words “to request the Chief Minister to publish this” for the word “elimination” substitute “COVID-19”; after the words “and to publish updated versions of the strategy whenever” for “the guidance” substitute the word “is”.

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

I would like to open this debate on the Amendment with a very, very clear message and one that perhaps certain Members feel has not been emphasised often or strongly enough over these past few weeks. Jersey's strategy to combat the COVID-19 pandemic is working and it is working because of the public health measures we have implemented to date, based always on the professional advice of our medical experts. It is working, as I have said many times, because of the commitment, determination and co-operation shown by our people across the Island and it is working because of the preparations we have made during the past weeks and for the weeks and months to come. We should, every single member of our Island community, be really proud of the efforts we have made so far and the position we currently find ourselves in. In Jersey, the virus has not reached the levels seen elsewhere in the world and its existence and transmission is now at a very low level and this is despite our choosing to implement a less aggressive lockdown regime than other jurisdictions. We have never been, in my view, in an intensive lockdown situation. We have recorded only 10 positive cases in the last 2 weeks and 1,394 negative results. Our R numbers, the virus reproduction rate, is at 0.4. There are countries and communities across the globe who would give everything to find themselves in our position and to be able to think about anything close to what is referred to as an elimination strategy. We have put the correct measures in place to protect the public based on first-class medical and public health advice and have used our time wisely and productively to prepare for a careful, safe and sustainable ease of the lockdown. That time has allowed us to prepare the infrastructure our health services needed to combat the virus effectively. We brought the G.P.s (General Practitioners) into direct employment; we made substantial investments in P.P.E. (personal protective equipment), built a Nightingale Wing of the General Hospital; established rigorous testing and tracing regimes; and set up a community taskforce of Parishes and volunteers. I do think those points needed making, but Ministers are equally clear this is not a time for complacency. We need to continue to control and suppress the virus and to keep it at very low levels. We cannot ignore the fact that 27 people in Jersey have sadly died with or as a result of the virus. Or the many others that have become very ill. We understand that States Members, and indeed all Islanders, want to be sure that in our next careful steps we do not act in a way that allows the virus back into our lives in an uncontrollable fashion. We know that the number of infections and deaths from COVID-19 will regrettably increase over time - and that is a horrible fact of life - until there is a global treatment or a vaccine, but we all want to keep those numbers, those figures, to the lowest number possible. But equally, we need to be acutely conscious of the wider harms that the measures we have taken to combat the virus have had and are having and will continue to have on Islanders. We need to consider therefore, for example, the overall mental and physical well-being of Islanders in all of our thinking. Our ongoing strategy needs to be sustainable and cause the least overall harm to our community and achieving that is a careful and delicate balance - I have said that on a number of occasions - and we will continue to be guided by expert and professional advice, as we have been to date. With the position Jersey currently finds itself in, now is a good time to reflect on our strategy to date, to look at how we can continue to adapt to ensure we build on the successful efforts of Islanders so far and to move forward in a way that causes the least overall harm. We are pleased to be having this debate and to have the opportunity to rearticulate the approach or the strategic approach we have been taking. There is much commonality between Deputy Perchard's initial Proposition and the Government's current and planned approach. We, as Ministers, acknowledge and accept the core intent of the Proposition, but based on the expert advice we have received, we cannot agree to move to an explicit elimination strategy. Now, of course we want to continue to control and suppress the virus and to keep it at the very lowest of levels. The requirement to pursue elimination would mean imposing disproportionate restrictive measures that fail to take account of the wider harms caused by that strategy and which are not supported by our medical professionals. That is why we have lodged this Amendment. As Members know, the Government are pursuing a delay, contain and shield strategy to combat COVID-19 and we aimed to flatten the epidemic curve to basically make sure our health resources were not overwhelmed and we have been very successful in doing so. That is why we imposed robust lockdown measures at the end of March and for all of April and parts of early May.



We have used the time since lockdown to make preparations across the Health Service to ensure it can cope as we gradually and carefully ease the lockdown and to protect those most vulnerable from the impacts of COVID-19. We have also been working to develop our testing capacity and ability to trace the virus within the community so we can continue to catch and suppress it as the lockdown restrictions are eased. I would argue that we have used our time extremely wisely to ensure we are in the best possible place to lift the lockdown restrictions, which have themselves harmed livelihoods and simultaneously kept the virus at very low levels in the community. That was the approach we were advised to adopt and we acted accordingly. This debate also represents quite a welcome opportunity to clarify what the Government are not pursuing in the fight against COVID-19. For example, we are not pursuing herd immunity and never have been. I think it is quite important to understand - and we have said it previously - herd immunity is not a strategy. It is simply a biological process that happens naturally over time, sometimes aided by the development of treatments and vaccines. There is of course no guarantee that society will develop total immunity against a new virus. So yes, the number of confirmed cases of the virus will gradually increase through our community, especially as we increase testing and tracing and carefully exit the lockdown, but that can happen while continuing to control and suppress the virus in a safe and sustainable way.

[15:00]

So hopefully the suggestion that we are relying on herd immunity to protect Islanders can be set aside. Equally - and I am not inferring that any State Member has made this claim - our strategy and planning does not include an expected or projected number of deaths. Any death caused by this virus is a tragedy. Our objective is simply to avoid overwhelming our health services by taking steps to ensure we are prepared to treat all cases of COVID-19 as best as we can and for as long as the virus exists in our community. As I have said, I have mentioned there is much in Deputy Perchard's Proposition for an elimination strategy which reflects our current approach and the steps we are taking in our delay, contain and shield strategy and safe exit framework. For example, both promote hygiene and require physical distancing; both require strong border controls; quarantine controls for inbound travellers; widespread testing and contact tracing; and both require good communication. We are taking these actions and have plans to ramp them up as required, especially testing and tracing, at the various stages of our safe exit framework. I also just want to expand on the border controls issue as we move into the gradual easing of the lockdown. Now, I am conscious that a number of Islanders are concerned about the impact on the spread of the virus of allowing more people to move in and out of the Island. The first point to emphasise is that we will continue to operate rigorous controls at our border. This will involve self-isolation or quarantine upon arrival and in time it might be possible, with P.C.R. [polymerase chain reaction] and antibody testing, whatever measures are appropriate to be used, to minimise the impact of inbound transmission of the virus. I also want to make it very clear we have not made any deal with any other jurisdiction regarding travel bubbles. I alluded to that in the States Members' briefing yesterday when I talked about the Common Travel Area, but we will only do so with a jurisdiction that has both a comparably low level of transmission and a similarly robust strategy to contain and suppress the virus. So while it is a part of the strategy to eventually open up to more inbound and outbound travel, that will only be done in a safe way that enables us to keep the virus at a low level in the Island. What I would like to do now is just turn to the reasons why we are unable to accept the proposal for an elimination strategy and therefore why we have lodged this Amendment. An elimination strategy, as proposed, will require the Government to pursue the elimination of COVID-19 irrespective of the wider harm this might cause. I will touch on that very fractionally towards the end of my speech. As I have said, our aim must be a strategy that continues to control and suppress the virus, but also causes the least overall harm to Islanders. Lockdowns are undoubtedly effective at combating the spread of viruses such as COVID-19, but we have got to be really clear on this: they still harm livelihoods and physical and mental well-being, in many respects seriously so. That is the medical advice that Ministers have continuously been in receipt of and it is backed up by the statistics available as well. The negative physical and mental

effects of the lockdown have fallen disproportionately on lower income Islanders, on those in cramped flats and houses without gardens, and on those who are here on the Island without family and friends. It has placed the most vulnerable in our community - and many of them elderly or living alone - in total isolation and it has placed pressures on our young Islanders. We have had 200 young people book counselling appointments through the Youth Enquiry Service, for example. The lockdown has led to increased unemployment and we can see that in the increased numbers of Islanders registered as actively seeking work, those receiving income support and those who have applied to the C.R.E.S.S. [Covid Related Emergency Support Scheme] scheme. G.P. consultations are down by around a third, which means there is a risk - indeed, a likelihood - that other illnesses and conditions which Islanders need treatment for are going undetected and untreated and that will have long-term negative and harmful consequences. The police are recording a 14 per cent increase in domestic incidents and a 37 per cent increase in concerns for welfare and an increased demand for counselling and family support. We have imposed huge restrictions on the operation of industry, especially on tourism and hospitality, which has a wider impact on the standard of living for all Islanders, and we have stopped people from leaving the Island save for essential purposes, for which they need the Government's permission. We have imposed upon and withdrawn Islanders' civil liberties, those rights and freedoms which have endured so many dark times to maintain, in a manner which nobody thought permissible in a 21st century democracy. This all has an impact and it causes harm to livelihoods and to well-being. We should be even more acutely aware of the impact on those suffering from mental health issues, amplified already by the effects of lockdown during Mental Health Awareness Week. I am not prepared to pursue a strategy that puts those Islanders at greater risk and says that their mental health needs are secondary to the need to deal solely with the virus. That is not a recommendation from our medical professionals and it is not a policy which the Government could therefore accept. That is why we say we need to pursue a delicate balance, where we control and suppress the virus, protecting at all times our most vulnerable, but to do so in a safe and sustainable way that has regard to overall harm caused to all Islanders. That does not mean that the moves we will take in the future will all necessarily be in one direction. It is of course hoped that we can continue to safely ease the lockdown, but if the medical advice is that re-imposing certain restrictions is required to protect Islanders and on balance will cause less harm overall, then that is what we will have to do and we have always been very clear about that. Just before I conclude, it might be helpful to talk to the specific wordings, which obviously the Greffier has read out for Members in terms of the Amendment we are bringing. So if Members look on page 3 of our Amendment, they will see what, if the Amendment is adopted by the Assembly, the amended Proposition would look like and they will see in yellow, I believe, the areas that we have highlighted as being the changes that we are seeking. In short, what we are talking about is rather than referring to a new strategy, we are talking about an updated strategy; we are clarifying what that looks like; we are referring to keeping viruses at very low levels. Bearing in mind we have done a small amendment to Deputy Morel's, but the same principle we put into this Amendment, which is about keeping some flexibility in relation to testing those who arrive on the Island. I think it is worth picking up on 2 points that no doubt Deputy Perchard will address when she responds and one is she has mentioned about what would Islanders expect. The reason I have laboured for a degree of time in my speech about overall harm and I have talked about lockdown is that in her conclusion in her report to the Proposition ... and my understanding is that these days we do need to take account of the report at certain times, because that gives an indication of what the proposer has in their mind when they are bringing a Proposition. It clearly states - and I assume she will be no doubt justifying this statement - that: "Islanders would be better served by a short period of intense lockdown." As I have said yesterday, I have said it publicly, I do not believe we have ever been in a period of intense lockdown on this Island, because intense lockdown to me does not include keeping the garden centres open; it does not include allowing people out for 2 hours; it does not include keeping window cleaners working and those type of things. Intense lockdown for me - and that is where clarity is also required - would be somewhere in the order of what Spain did, which is when everybody was effectively

confined to their homes and only able to go out to collect, I think, food and medicine. Also the Deputy, in her opening speech on the Proposition, talked about it was for Government to design in consultation with the medical experts. We have already been speaking to the medical experts all the way through this process and they are very clear in their advice to us and to date they do not support an elimination strategy, to the extent that they are approving and have been approving the easing of the lockdown that we have been seeing over the last couple of weeks in a controlled and very careful manner. So we are listening to the medical experts, and with the concerns that come for the overall well-being of the Island, the concerns that come out of going backwards to an intense period of lockdown have some very far-reaching consequences. Just to start wrapping up, this is a fast-moving crisis that constantly requires the Government to adapt and to change to safely navigate the Island through the risks it has been facing. Now, this Proposition and the debate does provide us all with a good opportunity to explain what we have been doing and it is a good time as we move through the safe exit framework and we are seeking to maintain the excellent results achieved by Islanders so far. In doing so, we will continue to review the steps taken by other jurisdictions. We do do that already a lot, but especially those with similar characteristics to Jersey and which are successfully suppressing the virus to ensure we are learning from them, but we should remember that others will equally be looking at us to see how we have contained and suppressed this virus. The actions we agree and implement must be right for Jersey, and based on the advice and guidance of our experts and professionals. That has been our approach so far. It has worked and I really do ask Members to support our continuing with that approach as we continue to adapt and deal with this greatest challenge facing our generation. For all those reasons, I do ask Members to support our Amendment to this Proposition and I propose the Proposition.

**The Bailiff:**

Thank you very much, Chief Minister. Deputy Gardiner has indicated that she wished to raise a point of clarification, but it seems to me, Deputy, that can be done as part of any speech because the Chief Minister will be responding at the end and can answer any questions, which would be the normal way. With that in mind, is there is a point of clarification you think needs to be raised at this point?

**Deputy I. Gardiner:**

I would like to ask very swiftly, as I understand it, we are debating a strategic aim and not the details, which should come in 2 weeks. Where in Deputy Perchard's Proposition, asking to the 4 stricter lockdown measures that has been indicated at various times through the speech?

**The Bailiff:**

It seems to me, Deputy, that that really is a question that you are asking, which the Chief Minister is perfectly at liberty to answer when he gets to his responding speech. I will not treat that as a speech. If you wish to speak later in the debate, you are welcome to do so.

**Senator J.A.N. Le Fondré:**

I just wondered if the Proposition needed seconding at this stage, the Amendment.

**The Bailiff:**

I beg your pardon. Thank you very much. I had overlooked that in the point of clarification issue. Is the Amendment seconded? **[Seconded]** Thank you very much indeed. Connétable of St. Martin. No, I am sorry, Connétable, I have a note. Senator Ferguson, did you want to speak on this?

**Senator S.C. Ferguson:**

Yes, please, Sir.

**The Bailiff:**

Sorry, it was in the chat much earlier on. Yes, Senator.

### **8.2.2 Senator S.C. Ferguson:**

I only intend to speak once, but there are a number of points which I ask Members to consider during the debate. Basically, as an oldie, I am extremely grateful for the efforts being made to shield me from the effects of the coronavirus. However, as I have said elsewhere, I am also mature enough to be able to assess risk and to evaluate whether it is a viable risk. In fact, I sometimes wonder whether, in our educational system, we are failing to teach children to consider the risks of any actions they may contemplate. Health and safety are for the benefit of the population, but are they perhaps taking the ability to assess risk away from our parents and children? Is the current tendency ... oh, I am sorry, Sir. I will settle with the Greffier.

#### **The Bailiff:**

Thank you very much, Senator. Please carry on.

#### **Senator S.C. Ferguson:**

Is the current tendency to say the Government must do something a reflection of the fact that parents are relying on the Government to do their parenting and risk assessments? Currently with this crisis I am cautious, but I am not panicking.

[15:15]

There is one thing that I am not clear on. During the Briefing yesterday, one of the officers referred to model calculations which had been obtained from Imperial College. I would be grateful if it could be confirmed that these calculations did not rely on the Dr. Ferguson - no relation - model which has been revealed to be extremely faulty. Deputy Perchard is in favour of a continuation of a lockdown and I have had various emails supporting this. Why? On the whole, people have behaved sensibly. There are exceptions; there will always be exceptions and short of locking them up it is a fact of life. Have we neglected to teach them how to assess risk? If you live in a nice house with a garden and are working from home with a salary coming in, lockdown has been less of an imposition. If you live in a bedsit or a one-bedroom flat with no outside area and are on a significantly reduced income, a lockdown is effectively a prison sentence. I am pleased that that the antibody testing programme is to be continued. It is a respectable company and their products are of good quality and will be suitable for our purposes. However, I am advised that we should also be joining with the National Health Service to obtain the Roche product. Roche are a world-leading Swiss company in pharmaceuticals. We would then have 2 first-class suppliers. Who would not want 2 Aston Martins rather than 2 bicycles? I am told: "It is expensive. Where would we put the equipment? We are well-supplied." I would respond, the cost benefit of getting people tested with a 99 per cent accurate system which enabled them to return to work far outweighs the cost of keeping an economic lockdown arguably for a greater part of the rest of the year. The stock we have purchased so far works out at nearly £12 a unit. If we have 106,000 people in the Island, and the kit cost would be something in the order of £20 each, then the cost could be about £3 million for an order of 100,000 units. There would be the cost of staffing. Back of an envelope - not a fag packet, I have given that up - calculation indicates that with 10 testing stations and 2 staff per testing station, it could cost about £8 million in staffing costs. On this basis, testing the entire population once could cost around £15 million. This does not include the capital cost of the equipment, but is a great deal less than continuing to support the economy. I emphasise these are very rough numbers, with an estimate of a number of assumptions, but I would be glad to hear the Treasury's cost-benefit analysis. On the basis of my estimates, we could order test kits every other month, 100,000 at a time, and operate 20 test stations for a total cost of about £40 million. As I say, I will be glad to hear the Treasury's cost-benefit analysis. One would start with the schools and as soon as the children go back to school, working parents will be free to return to work, which is a saving in expense and an increase in tax take. The larger companies would be next to be tested and I am told they would be prepared to pay for these reliable tests. Money back for the Treasury and an increase in tax take from their operations,

plus spending in the economy. But to deal with the objections to joining the N.H.S. (National Health Service) in negotiating with Roche, location of the equipment; I am sorry, where there is a will there is a way. We need a can-do attitude. When Hugh Hefner wanted to paint his Playboy plane black the Federal Aviation Authority said it was not possible, and his response to his lawyers was: “Do not tell me I cannot, tell me how I can.” We just need some of that can-do attitude. I am told we are well supplied with test keys. Yes, by Abbott, who are a very-well regarded company, and it should be also noted that too many of the products on the market are manufactured in China and do not have accreditation by either the F.D.A. (Food and Drug Administration) or the E.U. (European Union). However, no business likes to rely on one supplier. It happens, but it is not ideal. I appreciate the fact that Deputy Perchard wants to eliminate coronavirus entirely. I assume she wants us to adopt North Korean isolation until a vaccine is found, because that is the only way it will be eliminated. Remember smallpox and polio? That is the implication to the public of calling it elimination. Border controls will curtail the possibility of a second spike. I support the concept of testing at the airport and port on the New Zealand model. Taiwan is the best example of reaction to this epidemic and action to deal with this virus, but New Zealand has also provided - as the Deputy has said - an excellent example of a well thought out procedure out of lockdown. What is even better, their advice and instructions are clear, concise and uncomplicated. Please do not let us reinvent the wheel; take a lesson from them in communication. I support the Deputy’s proposal to continue testing; I just want an accelerated testing programme for 100 per cent of the Island and 2 suppliers. I appreciate her desire to eliminate the disease but, as I have said, it is not possible without a vaccine unless she wants a permanent isolation from the rest of the world. I do not think we are ready to join North Korea. I think the Council of Ministers are, in effect, doing much of what the Deputy wants. They are not too far apart. I cannot agree with the total elimination strategy; as I said, there is not a vaccine. The one thing the Chief Minister has not mentioned, which I think is essential, is the formation of a think tank of locals to advise on the revival of the economy. I would want to see such a body comprised of 2(1)(e) residents, representatives of the trade bodies, and of the trade unions. This would be advised, but not led, by either politicians or civil servants, and the recommendations will be published in reports to the States and available to the public. I would comment, however, that one of the bright spots is the wider adoption of technology - when it works - even in the older section of the community. It has been a rough period but we are coming through. From which Members will realise that I do not feel that this is a Proposition representing a new slant on the conduct of the crisis. There may be questions, and I have queries, but not sufficiently for me to support the Proposition. I do not intend to speak again; I am sorry if this has gone on rather long.

**The Bailiff:**

Thank you very much, Senator. Deputy Perchard has asked for a point of clarification, presumably of your speech.

**Deputy J.H. Perchard:**

I would just like to ask the Senator whether when she said “elimination” whether she was in fact talking about eradication.

**Senator S.C. Ferguson**

Yes, I think the public tend to consider elimination eradication; not in the technical terms as defined by Deputy Perchard. Being a simple engineer I am kind of understanding what the general public are thinking.

**8.2.3 The Connétable of St. Brelade:**

I am pleased to be able to speak in support of this Amendment to the Proposition. It is easy to criticise our Government and the professionals advising it on the basis of personal opinion based on our own experiences and ad hoc evidence from other jurisdictions. I believe that with such easy access to so

much information online we must prioritise listening to those who are fully informed about the circumstances which prevail here in Jersey, and not get diverted into following a different course of action. That said, we must be cognisant of how others are dealing with this terrible problem and pick from their experience and adjust our strategy accordingly. The focus of the unamended Proposition is principally on elimination; and I am grateful to the Deputy for defining the difference between elimination and eradication. But it is my belief that for most residents the information of this - as the Deputy proposes - would result in unacceptable consequences. This Amendment does enable us to keep our own destiny, based on our professional advice to look after our people - the inhabitants of Jersey. The pressures on society are becoming immense, and apart from the financial pressures on many, there are other societal issues developing. Large group gatherings fuelled by easily obtained alcohol are challenging to police, and sadly there are those who still, despite masses of publicity, just do not seem or wish to understand the issue. We should also not overlook those who are facing massive lifestyle changes to their usual routines, which can stimulate significant depression issues which are not easy to resolve. I will be pleased to support Deputy Pamplin's Amendments which will be debated in due course. Clearly a focus on keeping to a plan of action which keeps the virus at low levels is crucial, but we must continue to apply our minds to the continuation of what will shortly become a fragile economy if we are not careful. More work is essential on how we will deal with border controls. Whilst hearing the Chief Minister's comment earlier, I have yet to hear anything from either S.T.A.C. [Scientific, Technical and Advisory Committee] or Ports that gives not only me but the people of Jersey confidence that a long-term robust regime is in place. I shall support Deputy Morel's Amendment when we come to it. I look forward to seeing the COVID-19 Strategy Report and updates in due course, and take this opportunity to thank Deputy Perchard for stimulating debate, and particularly those officers applying their professional minds to keeping our community safe.

#### **8.2.4 Deputy T. Pointon of St. John:**

Discussions over the weekend between Government and the P.61 proposer have, it seems, been productive. The sticking point, as described by the proposer, being a matter of semantics. Seemingly, the proposer understands the term "elimination" to mean eradication from Jersey's society, but in reality elimination means that infection rates have been driven down to almost imperceptible levels by well-planned ...

#### **The Bailiff:**

I am afraid I must interrupt you. A point of order has been raised. Deputy Perchard, is a matter for a ruling from the Chair?

#### **Deputy J.H. Perchard:**

Sorry, I should have written point of clarification.

#### **The Bailiff:**

Well then we will leave that until the end of the speech.

#### **Deputy J.H. Perchard:**

Yes, sorry. Thank you.

#### **The Deputy of St. John:**

So, sown to imperceptible levels by well-planned and strict controls. All seem to agree that keeping a planned lid on the infection is desirable, but the term "elimination" in the Proposition is at variance with the reality of the situation we find ourselves in. Clearly the message in the Proposition is that elimination means eradication in the Island, but this is not a feasible aim if the virus has not been eradicated in the wider world, especially the wider world immediately adjacent to our borders. To

achieve eradication we would have to isolate the Island for months, even years. If, though, the virus continues to exist in the wider world we cannot defeat the virus locally.

[15:30]

We can only hope that we are able to reduce virus activity within the local society, and take continued precautions to ensure that if there is a resurgence we have the social and physical controls in place to manage that resurgence. We have a difficulty and that is our dependence on a relationship with the outside world. Countries such as New Zealand and Australia have the capacity to seal their economies and manage the virus internally. For some considerable time they can continue to feed the nation and utilise internal productivity to see them over this infection threat. We are not in the same position; we are, in the main, dependent on external supply chains, hospital services, university placements, and many other face-to-face relationships that we should be having with family and friends and others based in the United Kingdom. We are not able to feed this Island and retain economic prosperity unless we have continued physical communication with our trading partners and our important social contact structure off Island. We have to adopt measures that safeguard the people of the Island while continuing to allow meaningful contact with people who are dear to us. We have to ensure that we are not disadvantaged commercially because we have closed our doors. The Government has responded to medical advice positively and has implemented a regime of measures designed to achieve minimal virus transfer, and at the levels we see currently elimination has been all but achieved. A cautionary note has to be that these low levels of new infections are associated with a high level of lockdown and we are relaxing restrictions. Given a suitable incubation period, new cases may well begin to emerge. Currently the jury is out. Relaxation of the measures in place will lead to a greater understanding of the nature of the virus progress and inform any future restrictions needed to confine the virus and move toward elimination of the virus locally, eventually. Back to semantics. We will not be able to eradicate the virus from the Island, as distinct from eliminating the virus from the Island, without completely severing ties with the outside world. The virus is out there, we just have to make sure we have checks in place to prevent it entering the Island as a secondary infection source. In the meantime we have to develop in our Island strategy for dealing with the virus already present, and have robust plans to contain the virus should there be a resurgence in the next few weeks. Unfortunately we will not know if the virus exists unless, along with testing and contact tracing, we begin to open up our societal activities and detect a possible resulting increase in the incidents of infection. We should not be fearful of this approach, given we all benefit, and as long as the elderly and infirm and those of us who sit at home protecting ourselves, there will be a minimal effect on the vulnerable community. I have to say I will be supporting the Chief Minister's Amendments to this Proposition.

**The Bailiff:**

Thank you very much. Deputy, there is a point of clarification sought from you by Deputy Perchard.

**Deputy J.H. Perchard:**

Just for reassurance I will endeavour when possible to save these up for when I do speak in this debate but because the Deputy explicitly stated that I mean eradication not elimination, and because of the nature of these technical terms with specific meanings, I felt I had to state that I do not mean eradication. I do mean elimination.

**8.2.5 The Connétable of St. Ouen:**

Our current strategy is based on sound medical advice. Results so far have seen a very low spread of the virus throughout the Island. There have been 303 cases so far, or 0.2 per cent of the population, largely thanks to our swift action of locking down quickly. The current strategy also has the broad support of the population who adhered well to the lockdown. Furthermore, our exit strategy is cautious and spread over a number of months. New Zealand, which is widely quoted in the

Proposition, is a country with totally different dynamics to Jersey with an average population density of 46 per square mile to Jersey's 2,377 per square mile. New Zealand's nearest neighbour is 1,200 miles away; Jersey's 14 miles. Both do have similar concentrations of populations, St. Helier and Auckland, however, New Zealand's largely self-sufficient dynamics make population and border control very easy. Furthermore, we are still in the middle of a crisis and both ourselves and New Zealand are not back to normality. So is a comparison of 2 totally separate jurisdictions fair or realistic? Indeed, to quote a senior medical source from New Zealand: "The costs of trying to maintain eradication are just going to be astronomical. I do not believe that is sensible." Simon Thornley, a senior epidemiology lecturer at the University of Auckland tells *Time*: "The small businesses who have put a lot of effort into their livelihoods are going to have it taken away through this lockdown." New Zealand is already starting to reopen gradually, despite continuing to get the odd case. On April 27th the country relaxed its restrictions. Some schools and businesses reopened but people were encouraged to continue working and learning from home where possible. It sounds a bit like our strategy as we are slowly opening up after a similar lockdown. They are also having discussions about establishing a bubble with Australia at some stage. I think we need to look at the medical evidence of this Proposition, which essentially quotes the World Health Organization. While quotes in the Proposition support the Deputy's case, if you read the underlying articles carefully the picture is by no means crystal clear and changes regularly. Furthermore, the advice is generic and not Jersey-centric. Furthermore, Dr Swaminathan, chief scientist for the World Health Organization, stated on *The Andrew Marr Show* on Sunday that we could be living with this virus for 5 years and that we need to maintain that balance of containing the virus through physical distancing, personal hygiene, respiratory etiquette, wearing masks when in crowded places and staying at home when sick; but that she believed that society had to restart. Our strategy is based on the advice of highly qualified medical experts tailored to our Island situation. Put in simple terms, the choice is who do you trust, and has not that advice received so far in our resultant strategy been successful? To some extent the validity of the Deputy's Proposition is based around a Jersey bubble until a vaccine is developed. While we know there is a great deal of effort going into achieving this, it is by no means certain that this will happen in the short term, or indeed ever. So how long do we wait, 6 months, a year, 2 years, 5 years? The implied suggestion in the Proposition is that we should go back to level 4 lockdown from where we are until the virus is eliminated. Given that we are at the same low level of reinfection as New Zealand, why would we do this? They have moved in New Zealand on similar numbers to ours. Furthermore, there are other consequences. Firstly, can we keep the Island entirely virus free? We know it is highly infectious and can be transmitted via other surfaces such as packaging, et cetera. Do we stop all transport into the Island including freight, emergency family and medical flights, all of which contain that element of risk? What about, for example, the risk of clandestine visits to France by high speed rigs, fishermen meeting friends at sea; and the list goes on. The possibility of contacts are numerous and to say we will never get any spread is probably unrealistic. Comparisons to New Zealand are not helpful as they are a large, self-contained island who are completely self-sufficient and a considerable distance from other countries. We can see France from Jersey. There are other implications of a tight lockdown being re-imposed. We have already seen a spike in domestic violence incidents being reported because of lockdown. This will get worse as we go backwards. Vulnerable children will continue to be at risk. The economic consequences of this action will have an impact on people's mental health as those who are relying on savings to survive run out of money. Small businesses that are holding on to reserves either have to shut again or finally go bust. Those that have mental issues, and even those who do not, may be pushed over the edge. My officers in St. Ouen have already had to deal with a suicide attempt last week that was lockdown related, and I believe it is a similar picture Island-wide. The Deputy mentions that lives may be saved by her Proposition but there is no mention of the unintended fatalities of some of the suggested measures. Aside from the lockdown measures which we are working through, we have pretty much mirrored the testing and tracing, the hygiene measures, border control measures, physical distance and communication strategies. Our measures seem to be working



and, most importantly, they have public support so far. This brings me to another issue; that of taking the public with us. So far there has been general acceptance of Government actions, and while the police - including the Honorary - have put in a substantial number of hours, we have seen general compliance. However, we are beginning to see the breakdown of it; firstly because it is hurting people financially, people are fed up with lockdown, and a minority are unhappy with the infringement on their rights. We have already seen a couple of attempted public protests which have been headed off by the police and my officers, and my officers are starting to encounter resistance when trying to reinforce COVID infractions. This is also not helped by the unfortunate fact that people have not seen any spread of the virus in the Island and are starting to question whether the pain is worthwhile. Put simply, without widespread co-operation of the general public we could not make any further lockdowns stick with the police assets we have. If we decide on this route we may possibly see the unthinkable site of troops in our Island assisting with reinforcement. One hopes not but it is an outside possibility. Deputy Perchard is right that this is an ethical decision, but perhaps not in the way she thinks. The suggestion is that by voting for this you are voting to stop further deaths, but are you? Yes, the slowdown of the virus will slow down the death rate. We must also consider the deaths from other courses, which I have outlined earlier, which may ensue from the extra measures needed to implement this new strategy. Nothing is ever certain but in my view this is not a binary choice. Sadly there will be deaths either way. This brings me to the heart of this matter, which is that we are being asked to approve a strategy for our Island which has not had the endorsement of our trusted medical team, who have guided us to this point; I would suggest with considerable success. I am also not sure that to deviate from their advice at this stage is either prudent or wise. The alternative on offer is a strategy broadly based on general comments and information from the World Health Organization and other expert sources, and the Deputy's own view. Maybe she is right, but the safer option in my mind is to trust the same medical experts that have got us to this first stage. While the Deputy might not have considered this, this Proposition could possibly be viewed a political hand grenade. If approved it will force the Chief Minister and the Minister for Health and Social Services to create a policy that neither they or local expert medical advice supports, and I think the Chief Minister made that very clear in his speech. Furthermore, they would have to accept responsibility for the delivery of this most vital strategy with the consequential impact on their own reputation and re-election prospects. Meanwhile, the Deputy has to accept no further responsibility, and that of course is not her fault but just a fact of life. So my question really: is that a tenable position for the Chief Minister and the Minister for Health and Social Services? I am not sure. I think it is also perhaps unfortunate given the long hours and hard work that I know both the Chief Minister and the Minister for Health and Social Services and their teams have put in to get us to this stage. In conclusion, I urge Members to support this Amendment which is based on expert medical advice and keep our current strategy in place and reject the original proposal but vote for the Amendment.

[15:45]

**The Bailiff:**

Thank you very much, Connétable. Did you have a point of order, Deputy Perchard?

**Deputy J.H. Perchard:**

Yes, I am sorry, I just wanted to seek your view on ... I can adapt either way depending on your answer, but I feel like the debate is straying into a debate of the main Proposition and I struggle to see how relevant all of the comments being made are to the debate on the Amendment. I just wondered if in your view everything has been relevant so far, and if that is the case then I will adapt accordingly when I come to speak in this particular debate.

**The Bailiff:**

Well, it is clearly the case that speeches should, so far as is possible, be limited to the Amendment itself and the benefit of the Amendment. But it is difficult I think in a case such as this to avoid talking to the Proposition in general because this Amendment is seeking to amend the Proposition, and it seems to me that there must be an element of cross-reference between the 2.

**Deputy J.H. Perchard:**

Thank you so much. That is really helpful, Sir. Sorry about that, thank you.

**8.2.6 Deputy I. Gardiner:**

I would like first to thank Deputy Perchard for bringing this much needed debate to the Assembly. Our Government, with the help and co-operation of our citizens, has done a really good job until now, and I would like to thank the Government and the people of Jersey to bringing us to the place where we are now. The question is how do we proceed from this good place. Is it by using an elimination strategy, or it is a controlled herd immunity approach which is locally described as contain, delay, shield. Or maybe another strategy, or another name for the same strategy. The name of the strategy, from my perspective, is irrelevant, and I propose that we just call it the Jersey strategy from now. I am very disturbed reading publications, even today, and hearing speeches proposing a strategy and possible level of travel freedom which might wipe out all the human and economic investment made since the outbreak of this pandemic. As Members are aware, I am always trying my best to base my decisions upon analysis, doing my best particularisation. Let us start with economy. I have been asking for economic modelling for the size of our economy with strict border controls for the second week. It is not a medical decision when and if we open our borders ... not open our borders, when we will lift travel conditions. It is a political one, and to make this decision we need to do certain calculations. We are doing it instinctively, emotionally and with pressure from certain industries without any data analysis. The medical advice is important; I would like it to be supported by economic modelling. When I asked about the size of our internal economy last week I was trying to calculate economic benefit of lifting travel restrictions as opposed to open local economy. For me, elimination approach, it is not a lockdown. The calculations have been done for full lockdown, as we understood today, but not for an open Jersey economy with 14-day strict quarantine on arrival. This is absolutely different modelling. It is obvious for me today, after asking this question a second time, that Government has not even considered to operate the Island with 14 days quarantine, because if it would be a consideration the economic projection modelling should be in place, at least some of it. I just, before my speech, emailed to all States Members a table, which I found published in an online article, and this has pushed me to ask the question about the size of our internal economy and if any economic modelling has been done. I promise to share this table to the public on social media after my speech. We do need to have some analysis for our Island with our understanding of uniqueness in our current situation. Basically we need a list of all measures we can take to reduce the level of transmission and estimated effect of each measure has on the level of transmission, estimated costs, economically, social and adequately of each measure, to rank the measure in their cost benefit and pick up the measures that give the biggest reduction in transmission to the lower cost. These decisions are not medical decisions, they are political ones, and this is why Jersey and Guernsey with similar economies and similar situations are taking different paths, because they are different Governments. I asked the Economic Unit, and I have received a reply from the Economic Unit that it has not been a model developed for our economy 14 days quarantine on arrival, but no Island restrictions. Also they said that it is clear that quarantine travel conditions - and we all understand it - would severely restrict the contribution of tourism to the economy. At the same time tourism directly generates 3.7 per cent of G.V.A.[Gross value added] and total contribution of tourism is equal to 8.3 per cent of G.V.A, taking the wider impacts on account and indirect impacts on other sectors through the supply chain as well. I have heard several indications over the last 2 weeks that Jersey would promote itself as a staycation destination for the U.K. tourists. Today it was published that our Condor ferry early this month will start travel to Jersey, and Guernsey will come later on.

Talking up tourism as something that will save our economy is done every year, and after every world event and every crisis it is reported as something that will benefit our tourist industry. Can we just stop this fantasy right now and here? Spain has a 2-week quarantine in place, Spain has holiday resorts bigger than Jersey and they realised that tourism is dead this year. In this new position we might be able to invent a new type of tourism where families would be happy to test and self-isolate before having the freedom of movement that they do not have at home, and enjoy a whole summer of what Jersey can offer. The Minister for Economic Development, Tourism, Sport and Culture indicated that retail, for example, operated on 30 to 40 per cent during the lockdown. It might be, with all our families and elderly out and about it will be possible to operate retail at 70 to 80 per cent capacity. I see daily figures published in Israel showing how the economy is slowly coming back. As from 14th April they operated on 27 per cent of the capacity; yesterday it is already 51.3 per cent, and slowly they are getting out of the lockdown while keeping the quarantine. This is the reason that I am asking again what size is our internal economy? Would we be able to operate on 70 or 80 per cent in our previous capacity without taking an increased risk of opening the border? Local freedom or international freedom; at this stage I do not think we can have both. From my analysis more jobs and money will be lost from another lockdown than will be gained by relaxing travel conditions. The lockdown was very expensive and we can get a return on that investment in the next weeks or months if we keep strict border controls. We can also lose that investment in a week if we leave ourselves unprotected. I am moving really to border control and travel conditions but it is something that I feel is one of the core things within this elimination or other name of the strategy. We are facing a deadly enemy, an invisible enemy that can only be seen with a test and only after 3 to 5 days. It is proven that people become contagious before they show symptoms, that some people are symptomatic, and there is really little time between being contagious and being tested positive. The word “quarantine” comes from the number 40 in Spanish. For 40 days a ship would have to spend in the port in Venice before sailors or cargo could be unloaded. Quarantine is a historically proven measure to deal with pandemics. We know 100 per cent that it works and that nothing else has been proven to work. We have a single tool that is shown to work and there is no medical advantage to dropping the 2-week period of quarantine. Testing regime on arrival: I can see how it works with 2 tests, one on arrival and one 4 days after. That was presented to us yesterday. It will not 100 per cent stop infections coming into the Island but we can manage it, and it probably is a really good balance that can work. I really would be happy to have this testing as long as it will not come out of the 500 test current daily capacity of the Island. But let us be honest, we still did not manage to achieve any stability and sustainable increase in testing capacity. In the middle of April the C.E.O. (Chief Executive Officer) announced 120 tests a day and we still have people calling the helpline and complaining about symptoms, never being tested, and because they are not tested positive their details are not passed to the contact tracing team. I cannot see we are ready to do 2 tests for everybody who arrives in Jersey, one plane bringing 100 passengers, one Condor ferry bringing another 100 passengers, if all those passengers are tested twice they would use nearly a whole day’s worth of testing capacity. We do not have this testing capacity we would like to have, we do not know how many people in Jersey have COVID and we all know that more tests should be done. I am not sure when our capacity will come to this stage. The political leadership in Somerset made an announcement on Wednesday, 14th May. Councillor Mike Bell said: “North Somerset is not open for visitors. We do not want people to travel into North Somerset from outside of the area for day trips, and instead we want to encourage them to use other spaces near them where they live. We are not open for tourists. Pubs, restaurants, hotels are also closed, we are focused on protecting our community here in North Somerset who have worked so hard to do the right thing in staying at home.” The travel conditions we are asking in Jersey to maintain, it is not extreme. They are being used by every jurisdiction with a low death count. Even some countries with a relaxed approach to lockdown, like Sweden ...

**The Bailiff:**

Deputy, I must interrupt you, a point of order is raised. Senator Farnham?

**Senator L.J. Farnham:**

Sorry to interrupt the Deputy in full flow but she has on a number of occasions indicated to the Assembly that Jersey is open for tourists when in fact it is not ...

**The Bailiff:**

No, Senator, that is not a point of order. That is nothing that requires a ruling from the Presiding Officer. The definition of a point of order is something that you ask for a ruling from the Presiding Officer. That is not a point of order. It could be a point of clarification but that is not the case I do not think. Please carry on, Deputy.

**Senator L.J. Farnham:**

I am sorry, Sir, I thought misleading the Assembly was a point of order. I do apologise.

**Deputy I. Gardiner:**

I am not saying that Jersey is open for travel. For now we have a 14-day restriction and we do have travel conditions. My main worry is that these travel conditions will be lifted, and as the Chief Minister mentioned in his speech, in time. What is "in time" I am not sure, and I do worry that in 2 weeks' time when June will come I will learn again unfortunately from social media and Facebook that the conditions have been lifted, as I have learnt about the lockdown in March from social media before I have been notified as a States Member. This is the reason I am speaking at length about my worries here in the Assembly. I stopped when I was talking about the countries with relaxed approaches to lockdown, as Sweden, do not have travel conditions. They effectively have a travel ban and have closed their borders.

[16:00]

China, the very place where COVID began, had a new spike in cases when they opened their borders with testing and new cases arrived from America and the U.K. With the understanding we only need one case of undetected and contagious Covid to get on a flight to Jersey, to arrive and go straight back to work to put the whole Island back into the lockdown. We are we even considering some lift of 14 days of quarantine now when we do not have the test capacity? I am really worried about our test capacity in 2 weeks that everything will be put in place. I want to make it clear, you will still be able to travel in and out of Jersey, but you will not be able to do a day trip to London and go straight back to work, as it is not travel restrictions, it is the travel conditions that you need to have 14-day quarantine. None of us are able to travel with an infectious disease. I had to cancel my holiday a day before when my daughter last year caught chicken pox. Now we are all in a position that we do not know if we have this infection, do not have this infection, and where we are standing. Doctors are doing everything they can to limit the impact. The airport is trying to find a way of doing no touch searches. Airlines are hardly flying and nobody has worked out whether we should use commercial airplanes while respecting strict social distancing. We have to make a decision with the information that we have and with the belief that it will give the least suffering to the majority of Jersey people, not the least suffering to the loudest of those with most influence if lifting quarantine conditions at this stage limits the freedom of everyone who stays here and only gives more freedom to those who want to travel off-Island. It is a privilege to the few with consequences of restrictions upon many. How many people would be travelling to and from the U.K.? How many of these journeys would be essential? How many people with this travel condition are inconvenienced? By contrast, how many people would another lockdown inconvenience? The medical advice we are given is based upon the question that is asked, so if you ask the question can we keep travel conditions in place the answer will be, yes, of course. If you ask when is the very earliest we can open the borders for unconditional travel or with possible testing, probably you will get a different answer. I am sure the Chief Medical Officer is not recommending to lift travel conditions and to remove the 14-day quarantine. The last and the third point, it is about mental health and well-being. What would

be better for mental health and well-being of our Islanders? We all know the importance of it; and I congratulate Deputy Pamplin, he has brought an Amendment that addresses this. What will be more beneficial for the mental health? Is it lack of freedom of movement or international freedom of movement, as we cannot have both? Local freedom, our elderly can enjoy time out, our children can go back to school and play with their friends, we can have our social interactions and hugs. A letter from an Islander that I received this morning: "I would be able to resume some normality, even if it means being unable to travel to the U.K. to see my son's medical consultant for a while. It is a small price to pay if it means we do not have to remain in lockdown until the vaccine is found. My son catching this virus would unfortunately mean death. My mother will also have to remain in lockdown, as will many other people which, as we know, is not good for their mental health and physical health." Again, elimination would allow some normality. We are an Island and we should take advantage of the fact that we have a small population and we can keep strict quarantine and secure the borders. I also do not think we will ever be able to totally eradicate the virus; at the same time we can control it locally and find a way to address the needs of individuals and businesses with exemptions procedures to slow ... widen the exemptions which are already in place. This debate is about direction of travel. If the strategy really is to lift travel conditions and re-infect the Island in a controlled way to achieve some type of herd immunity we would need to debate the strategy and agree upon this. If choosing the elimination strategy will be guided by the ultimate goal to eliminate, if we are choosing the control ... thank you, Deputy Perchard, for the detailed description. I am afraid the decisions will be guided by a more relaxed approach which can quickly bring a new lockdown. I would like the certainty of being able to enjoy the summer with some freedom in Jersey rather than an increased chance of new lockdown within the near future, which will be adversely associated with loss of life and damage to our economy. We need to make a decision as a long-term political direction and strategy for here in Jersey ... when we lose the almost virus free situation we are right now thanking the Government for, and I do not want to lose what we achieved so far. It is a political and not medical decision to calculate medical, economic and social cost of each strategy. Whichever strategy we choose it needs to be chosen with knowledge that there will be winners and losers. We need to choose the strategy with more winners than losers, more freedoms for our people and less life lost. Thank you.

**The Bailiff:**

Thank you very much, Deputy. I should have done so as soon as it was said but, Senator Farnham, you expressed the assertion that the Deputy was misleading the Assembly. I am proceeding on the assumption that you would have wished to say unintentionally misleading the Assembly, would that be correct?

**Senator L.J. Farnham:**

Yes.

**8.2.7 Connétable J.E. Le Maistre of Grouville:**

The Chief Minister in his opening speech said that his policy was not to seek herd immunity but, as I understand it, the contain and delay strategy that he is following was set up to try and get the virus under control, which has happened, in order that the hospital would not be overwhelmed and the medical profession would be able to cope with the number of cases. But we are now at a point where, as I understand it, he is expecting the virus to be transmitted throughout the population. Can he confirm that he is expecting the majority of Islanders to contract the virus at some point, albeit in a managed way?

**8.2.8 Connétable D.W. Mezbourian of St. Lawrence:**

I just want to speak briefly to this Amendment. As Members know, I represent the Comité des Connétables on the Emergencies Council and, as such, I am part of the membership of the Council.

That role has given me a clear insight into the approach and strategy that is being adopted by the Government in response to this pandemic. What has always been clear to me in those meetings is that the response is being guided at all times by the medical advice. Of course we have heard that from the Chief Minister this afternoon and we have heard it from him over the past few weeks and months. The medical advice takes account of a whole range of issues. It ensures that measures are in place to contain and suppress the virus, but it also considers the wider challenges that are caused by those measures. It is a careful balancing act and I think we have heard that phrase used this afternoon during this debate. Preventing harm in one area can create harm in another, and the objective is - as the Amendment is - to cause the least overall harm. That is an objective that requires flexibility and adaptability. Pursuing one primary objective at the expense of others is not consistent with the advice that I have heard given to the Emergencies Council, and that is why I cannot support the Proposition, although I will be voting for this Amendment lodged by the Chief Minister. I would just like to refer to the opening remarks of Deputy Perchard when she urged Members to make up our own minds in this debate and not to be compelled to vote by way of any form of collective responsibility. I am grateful to her for advice, however, as other Members will know, I have always come to my own conclusion, whether as an Assistant Minister or as today a Backbencher, and I listen carefully and am guided by professional advice and evidence. In this public health crisis I am guided by our medical professionals before other individuals or those working for other organisations. That is not to degrade or to devalue the contributions or views of others, but I believe we should have faith and trust in our own experts who are developing a strategy specifically for Jersey. They will, and they do as part of their work, look for examples of good and effective practice and advice from elsewhere and then decide how that can be best implemented here for our purposes. What I cannot accept is that we should just impose any particular requirement, such as the pursuit of elimination, on to our strategy without reference to or agreement from our own medical experts. This Amendment importantly ensures that the strategy to combat this crisis can continue to adapt and evolve in response to changing circumstances. That is absolutely crucial in my view because, in truth, nobody knows what the future holds with respect to this virus. We cannot be certain of how it will develop or what the impact will be as the Island moves through the safe exit framework. I have to say that I have every faith and every reason to believe that the actions taken at any particular moment are based on the best advice and knowledge available at that time. The best advice and knowledge available at that time. But of course our generation has not dealt with a health pandemic such as this before. There is not a textbook to follow and this new virus facing the human race and impacting communities in different ways has no vaccine so far. That is why we must be flexible in how we respond, ensuring that we can adapt and evolve in response, and that is maintained by the Amendment. I believe that every Member of this Assembly is pursuing the same objective, that is to protect Islanders as best we can and to navigate through this crisis with the minimal possible suffering. Whichever way we vote today there can be no doubt that we are united in that goal, but I regret that if we support Deputy Perchard's Proposition unamended we would be taking a giant step backwards in our efforts to move forward. I believe that the approach set out in this Amendment, and continuing to follow the professional medical advice relevant to Jersey, gives us the best possible chance of achieving that goal. In conclusion I urge Members to support this Amendment.

#### **8.2.9 Senator K.L. Moore:**

I am very pleased to follow the Constable of St. Lawrence, who of course in her usual style spoke very well and very clearly. Of course, as the Constable outlined there, she approaches this debate from a very privileged position as being a member of the Emergencies Council, and having heard that medical advice on many, many occasions. We as States Members have also benefited on a number of occasions from that medical advice.

[16:15]

But sadly the public have not had that same benefit and that is one of the reasons why we perhaps come to this position today. There is a certain amount of confusion about this debate, in my view. It was really timely that for the first time in over 40 days the public heard from the Medical Officer of Health in yesterday's press conference. At that press conference the question of elimination was raised and what I heard at that press conference, and I thought it was a very clear message, was that in effect elimination has been achieved. It may have been achieved by default but it has been achieved. The Medical Officer of Health did I think go on to say that she did not feel that the public would necessarily understand the concept of elimination, but she did indeed say and conclude that we have reached elimination. So I have been a bit distressed and dismayed today to hear those Members who are supporting this Government Amendment to say that supporting an elimination strategy would mean a reversal of our current easing of the lockdown. New Zealand, yes, is a good example of a country where elimination has been achieved and they are indeed easing their lockdown process; like ourselves, they also are doing this and having to weigh up the consequences of the impact that that might have on their hospitality industry. However, we here in the privileged position geographically of being very close to our near neighbours and being near a short haul trip, much easier to get to than New Zealand which is, in itself, quite an isolated country. Therefore, with the testing regime that is very possible and available to us, solutions can be found that will be very interesting for our hospitality industry, in my opinion, but that is a matter for another debate. Senator Ferguson, if I may, I think put it very correctly that in fact this Amendment and Deputy Perchard's Amendment are not too far apart. I do slightly struggle to understand why the Chief Minister would have put his officers through the time and effort of presenting this Amendment to us and causing this debate because they are relatively close. I think the Constable of St. Lawrence did in fact state very clearly that it is all about an element of flexibility. However, of course that flexibility is balanced with intention and the desire to protect Islanders, which is where the elimination point comes in. I think I would also like to ask the Chief Minister when he sums up to answer a couple of questions to assist us in our decision-making today. I heard the tail end of the Constable of Grouville and I think he was asking a very similar question which was in relation to herd immunity, and I have a quote here from the Chief Minister and it is a statement that we have heard him say on many occasions. On 20th April the Chief Minister said: "The virus will have to go through the Island at some point." I would like the Chief Minister to explain how that departs from the concept of herd immunity, because we have heard him refer to that on many occasions. My further question, if I could read my notes, is ... I do apologise, I certainly cannot read my own writing which is rather a problem. I think you have the gist of where I am coming from and I will seek to wrap up my thoughts. It is a fine balance that we are discussing here and I think and hope that in her summing up Deputy Perchard, when we get to that point - she will speak quite shortly I think - will be able to elaborate a little on the potential consequences vis-à-vis lockdown and further travel if an elimination strategy is sought in black and white by the Assembly today. I will listen to the rest of the debate with great interest and I look forward to hearing the answer of the Chief Minister when he sums up. Thank you.

#### **8.2.10 Connétable K. Shenton-Stone of St. Martin:**

The Government needs to be congratulated. The figures show that we have been very successful so far in combating the virus, however to those who have lost loved ones to COVID my sincere condolences. The strategy for Jersey appears successful and I think that we need to take great care in overlaying other models on Jersey just because these models are successful in their own environment. We must not constrain our ability to adapt to circumstances when mandating actions that are currently newsworthy, that are not necessarily supported by evidence and advice of medical or other experts in this field. I am not in the Assembly today but I am in my office at the public hall, the Parish staff are also in the building working hard. The Honorary Police come in for work, to collect the police car, et cetera, and the rates assessors have been working at a safe distance upstairs. The Emergency Liaison officer who holds the phone for volunteers pops into the office twice a day, the Procureurs come in when needed. This has been happening since day one of lockdown. I have

not missed a day's work and nor have the staff. We are essential and I thank them all for working hard, for their diligence in keeping the Parish going and for supporting our parishioners. I would add that we have all kept socially distanced and used copious amounts of hand sanitiser and soap. As essential workers we have not had the opportunity to isolate at home, we have had to carry on in what at times have been very difficult circumstances. St. Martin's Primary School is situated almost next door to the public hall. The primary school has been open every single week day since lockdown supporting the children of front line and essential workers. I applaud Mrs. Posner, the head teacher, and her staff for looking after all these children and therefore helping the front line health workers to carry out their work. Why do I state all this? I do so to illustrate the fact that many of us, to keep the Island going, the wider population safe and to support the vulnerable in our communities, we literally at times have had to roll up our sleeves, we have kept calm and kept distanced, used soap and carried on. I say this to comfort those of all ages who may have spent weeks at home and may be feeling vulnerable or too anxious to go out. You can go out, it can be done if you take the right precautions. I am one of those signatories on Deputy Perchard's Proposition and, as Deputy Perchard knows, I hold her in high regard. I signed because I felt that we should have this debate. However, I will be voting for this Amendment, I will not be supporting Deputy Perchard's Proposition. We should aim to eliminate the virus from the wider society not wait until we have eliminated the virus in its entirety. We cannot survive in a bubble, the collateral damage will be too high for other causes, health concerns other than COVID-19. If we stay locked down, if we keep cut off in our own bubble, then it would follow that the death rate or the incapacity for other illnesses will rise at the expense of COVID-19. We have to take into account all health issues and if the team who have led us thus far through this crisis considers it is safe, well, I am happy to listen to them and follow their advice. We cannot and should not be persuaded by the most fearful in our community. Humans on the whole are not great at assessing risk and therefore I would rather take the advice of those who have been working in this environment and who have steered us this far. Many people are desperate to see their loved ones, their relatives as soon as is possible. For example, my own mother-in-law is 80 and lives alone in Hampshire. She, like so many others, has seen no family members in months. She, like far too many, is completely isolated from family. We must ensure that our transport links are safely re-established with rigorous controls and minimum risk. We in this Assembly should all put lives before livelihoods and I sincerely hope that all of us do. Unfortunately no jurisdiction in the world has a comprehensive guide book to show us how to navigate our way out of this pandemic, not even in New Zealand where they are pursuing a strategy which is tailor-made to their situation, which is different to adopting a strategy which looks good in the abstract. We have been successful in Jersey in combating the virus and obviously as we open up our border controls should be nothing less than stringent. The sad truth of the matter is that we will have to learn to live with COVID-19, a vaccine is not just around the corner. Please let us follow the Government strategy, it is not unsuccessful. I urge you all to vote for this Amendment.

#### **8.2.11 Deputy J.H. Perchard:**

I would like to start by reiterating what I said towards the end of my opening remarks, which is this: my Proposition celebrates what has been achieved by Government so far and it strives to build on it. I have been rather disappointed by a lot of the misunderstanding that has come through the use and misuse of terminology that I set out and clearly defined at the start of the debate. I have also been disappointed by arguments around specifics when, again, it has always been my intention to have a high-level strategic discussion about the direction of travel for Jersey. As I made explicitly clear in my opening, the methods by which we pursue a particular goal, whether that be control or elimination, are for the Government to decide. The framework I included in part (b) is a high-level list of things that I would expect to see in a strategy, but this is not just something I thought of in my own mind, this is medically advised, in the sense that it is taken from a reputable medical journal. Furthermore, the Minister for Health and Social Services reassured me at the weekend that he at least understands that this is not a prescriptive list and that the detail is to be specified by the Government should my



proposal be adopted. Each one of the 5 points in part (b) of my proposal require many questions to be asked. The Constable of St. Ouen very aptly raised some of those really important questions. We do need to know whether quarantine is required of people coming in. We do need to know if we are going to test people on departure to and from Jersey. We do need to know what the testing plan is. We do need to know if there are to be any more restriction of movement measures or whether it is a good time to relax things. We do need answers to so many questions but this is not something I am striving to give the Assembly, I am striving to have a debate about the overall direction of travel. It is simply wrong and distracting to suggest that my Proposition restricts the Government in the way that has been described by Members. The Chief Minister's opinion of what intense lockdown is is not a reflection on what I have suggested. The whole relevant part of my Proposition regarding this is my requirement for the Government to consider physical distancing measures needed to achieve elimination. I am not sure how else to say this. The debate is about our overall aim and not the detail underneath it. My report explains my rationale and my opinion but it does not affect how the Government decides to implement elimination. Lockdown is not the only viable strategy for elimination but it enables control during exponential rises in cases. There are many other strategic approaches the Government could take, such as big testing capacity, compulsory masks, excellent contact tracing, enforced isolation, targeted interventions in particularly vulnerable places such as care homes or the hospital. What the Chief Minister has said demonstrates the fact that medically speaking the Government is continuing to pursue a control approach to the virus. Elimination, control and eradicate are different. They are medical terms with specific and different meanings.

[16:30]

This brings me on to the reason I cannot accept the Amendment in its current form and that is because the Amendment fundamentally changes the whole meaning of my Proposition and kills the debate. The language proposed by the Amendment brings greater confusion to the debate. It rejects the idea of an elimination strategy but then places the term "eliminate" alongside other terms such as "suppress" and "control" as if they mean the same thing. The whole purpose of this debate is to examine the merits of a control approach compared to an elimination approach and decide, as an Assembly, which one you want to pursue. This Amendment is confused and if adopted will not result in the strategic clarity we desperately need. You cannot simultaneously pursue control and elimination. The Centre for Disease Control and Prevention in its article entitled "The principles of disease elimination and eradication" sets out clear, precise definitions of the terms control of infectious disease, the elimination of infectious disease and the eradication of infectious disease. I am going to read these for the benefit of the Assembly. "Control: the reduction of disease incidence, prevalence, morbidity or mortality to a locally acceptable level as a result of deliberate efforts, followed by continued intervention measures." Slow the spread rather than stop the spread. "Elimination of infections: reduction to zero of the incidence of infection caused by specific agent in a defined geographical area as a result of deliberate efforts; continued measures to prevent re-establishment of transmission are required." You aim to stop the spread and then as new cases emerge you shut them down as quickly as you can. "Eradication is a completely different concept and it means the permanent reduction to zero of the worldwide incidence of infection." An example of this would be smallpox. Saying that control and elimination are basically the same thing is incorrect and it is ignorant. This Amendment proposes that we continue to slow the spread but then mentions the idea of stopping the spread but without any clear commitment to either aim. This Amendment demonstrates to me the current confusion that exists regarding a strategic aim of the Government and serves to heighten the need for this debate to be clear. If my Proposition in its current form fails the Government can move forward certain in the knowledge that the Assembly has put its weight behind its current control approach. If my Proposition succeeds unamended the Government can move forward in the knowledge that not only have they already nearly achieved the goal of elimination set within it but they will also know that the Assembly will throw their weight behind them as they pursue a reduction to zero of community transmission, not eradication. If

adopted this Amendment will not bring any clarity. The Government will not be able to say with confidence whether the Assembly supports a control approach or an elimination approach. The purpose of this debate is to hash out which we prefer. The Government should have enough confidence in their current approach to defend and instil in all of us the confidence we need to move forward together. If Members are serious about having this discussion today they will reject this Amendment. Debating something that does not make sense serves no one. Whichever side of the argument you are on, sitting on the fence is not an option today. We have to have clarity, we have to have confidence, we must understand the words we are using because if we cannot agree on a strategic aim how can we expect the public to understand it. I have heard from doctors, lawyers, retailers, business owners, hoteliers and many, many more members of the public who are in favour of elimination as well as others who disagree. I deliberately have spent the last few days calling people in lead organisations who I assumed would disagree with the proposal to hear why they disagree and to hear their concerns. That is what we should be discussing today. 38 per cent of surveyed Islanders in Jersey agree with the current control approach, 83 per cent of Islanders in Guernsey currently agree with their elimination approach. Whatever approach we agree on, I would like our survey percentage to go up. There is not a clear sector-specific consensus anywhere. We need to have the debate. We must have a proper debate about whether we control or eliminate. If my Proposition fails, it fails but I want the debate. For anyone who was to walk away today knowing exactly which approach we are taking, whether it is control or eliminate, let us at least have clarity. I am now going to address some of the specific points raised by other Members in this debate, starting with the economic concerns and moving on to the health concerns. The Chief Minister this morning cited some high level figures in response to Deputy Gardiner's question about the economic impact of lockdown. He cited there is a £122 million a month impact on G.V.A. of the cost of lockdown at the moment. If we continue to pursue a control approach, as the Chief Minister has alluded to in his press conference and as the Minister for Social Security alluded to today, there will remain, in her words, a threat of a second wave. As the Chief Minister said, if that were to happen and if the infection rate were to rise to an unmanageable level he would resort back to tougher lockdown. However, if we pursue an elimination approach and get the number of new cases down to zero for a period of time such as, for example, 14 days to reflect the incubation period of the virus or 28 days as Guernsey is pursuing, we could operate more fully with more confidence and potentially avoid a second, third, fourth wave. Elimination is better for people's health but also better for the economy. The Chief Minister said it would take significant time to recover from a short period of no new cases that I am proposing but it is obvious to me that a second wave, a third wave or fourth wave would have a greater ...

**The Deputy of St. John:**

Jess [Deputy Perchard], I do apologise for interrupting ...

**Deputy J.H. Perchard:**

... uncertainty and mental health impact. We are talking about eliminating ...

**The Bailiff:**

Deputy, if you could pause for a second. I think you faded out at some point in the last few seconds and I believe someone was going to bring that to your attention.

**The Deputy of St. John:**

Yes, that is true, you were sounding as if you were underwater at 100 metres down.

**The Bailiff:**

There we are. Could you perhaps, probably the last 15, 20 seconds or so, if you able to, reconstitute your speech, Deputy?

## **Deputy J.H. Perchard:**

If we pursue an elimination approach and get the number of new cases down to zero for a period of time, such as 14 days to reflect the incubation period of the virus of 28 days as Guernsey is pursuing, we could operate more fully with more confidence and potentially avoid a second wave. The Chief Minister said it would take a significant time to recover from a short period of no new cases that I am proposing but it is obvious to me that a second, a third or fourth wave would have a much greater economic uncertainty and much larger mental health impact. We are talking about eliminating the virus, not eradicating it. Eliminating the virus so that we can function at a level that is much closer to normality but is much more likely to be stable and that gives the public the confidence it needs to support the economy while also saving lives. The safe exit strategy does not at all result in a guarantee, as suggested by a Minister earlier, that we will not experience a second wave of the virus in the future. If anything, pursuing control over elimination results in a greater chance of their being these waves in the Island followed by lockdown. In questions without notice this morning the Deputy Chief Minister said the Government want to “move forward in small steps so that we always back up in small steps.” Clearly we are better off starting from a place of no new community transmissions before taking those small steps. The idea that we want to take baby steps forward and back speaks in favour of an elimination approach. The economic arguments posed against taking an elimination approach do not make sense to me and have not been adequately evidenced for me to agree that control is better than elimination. I will now move on to the comments made about health. I would like to start by mentioning the fact that I have already said that I intend to accept Deputy Pamplin’s mental health Amendment. I will not speak to that in great detail other than to say that I feel that his Amendment provides an excellent provision for mental health under an elimination strategy. Over the last few days I have heard from several different G.P.s, all of whom expressed a fear of speaking out publicly but who were so troubled by the approach taken they were compelled to contact me to express what they described to be, in their own words, grave concerns. I have consulted with healthcare workers in primary and secondary care, including G.P.s and hospital consultants, who feel that elimination is the way forward. They told me that there is a medical view that those people who are vulnerable and who need treatment are less likely to attend appointments if we do not pursue an elimination approach as confidence in personal safety will erode further as cases continue to appear and rise. People who are not attending appointments now will be less likely to attend their appointments if the virus is still circulating in the community in their professional opinion. These healthcare professionals, including G.P.s and consultants have also expressed the view that it is not possible for the healthcare service to return to its normal level of functionality or business as usual as mentioned earlier, if we do not pursue elimination. They told me that currently G.P. practices are down to 40 per cent service in terms of their usual staffing and service and that the running of 2 healthcare systems in primary and secondary care for hot possibly COVID patients versus cold patients is not sustainable. They tell me that even low levels of cases in the community still results in a disproportionate focus on COVID-19 in the healthcare service. I quote from them now: “This disproportionately diverts resources away from non-COVID related illness.” Incidence is one measure but it has to be examined alongside prevalence. One case in every 2,000 people is not reassuring, especially for the severely vulnerable. Finally they said to me: “We are not going to be able to go back to a normal level of healthcare because patients are increasingly anxious and severely vulnerable patients particularly so.” As one healthcare professional stated to me: “If we carry on having COVID-19 the Island’s most vulnerable are going to suffer.” I am going to end my remarks by reading a short excerpt from a letter I have had from a different G.P. again. “While it is absolutely correct that for the vast majority the virus is indeed unpleasant or causes no or minimal symptoms, for a significant proportion this is a highly unpredictable and frankly dangerous disease. I was horrified to witness senior politicians accepting that further significant deaths and debility is a necessary evil. Further consideration should be given to public health measures that allow for testing and monitoring of individuals arriving on the Island as there will be a need for travel. The policy at

the moment seems confused and full of tension. The demands of health and economics appear at odds rather than reflecting the basic premise that a healthy population is likely to be more economically productive and vice versa. With careful consideration an elimination policy, that does not necessarily mean strict lockdown, could result in Jersey becoming virus-free and allowing most of the economy to function well”.

[16:45]

### **8.2.12 Deputy G.C. Guida of St. Lawrence:**

I would like to start by reaffirming that point, which is quite important, that this is a binary choice between elimination and control. Elimination is a very, very specific target and basically it is exactly as it has been described, local eradication. If we want elimination we are going to concentrate on making sure that we do not have a single case in Jersey in the near future. Control is completely flexible. You decide what you want to do with it, you decide how much of it you can have and, again, it is completely flexible. Now, I think there is a very serious misconception because the notion has been flying about that we are very near elimination in Jersey. We look at the hospital cases and we see we had 7 yesterday, we have 5 people in hospital with coronavirus today and that is so near elimination but our official figures say that we have 46 known cases. There are 46 people in Jersey that we know about, we have their addresses and we know that they have coronavirus, right now they are experiencing the symptoms. We also know from our antibodies test that about 10 times as many of the people carrying the virus will have no symptoms. So if we have 46 that we know about there are today 460 people in Jersey running around with the virus. If you want to eliminate the virus from Jersey those 460 people need to heal but of course they will contaminate others, which will contaminate others. In the best of cases the figure I have heard today is that our instant reproduction rate is 0.4. The first time I heard about it the figure I had was 0.8, but admitting that it is 0.4 that is more than half of cases ... sorry, we get half of the cases less every 2 weeks. So we start with 460 and 2 weeks later we have 184, 2 weeks later we have 73, 2 weeks later we have 29, it does down. It takes 3 months to have the last case for which we need to make absolutely certain that they are not able to transmit the virus again, which takes about 28 days. Four months. To get to 0.4 RT [Reproduction rate] we need to be at level 3 lockdown. So that is not the one today, that is the one we had 2 weeks ago. If we want elimination the only physical way, doing the best that we can, is 4 months of total lockdown. The figure is out, every month of lockdown costs £120 million to the economy and also £100 million to the States in aid and social security, so £220 million times 4 months. Of course it has worked extremely well the first 4 weeks but nothing tells us people will accept the 4 months' lockdown and will not cheat, will not get out of it. So that extraordinary RT of 0.4, we are not really sure that we can get to it, we can keep it for 4 months. There is this perception, we can see it in the public: “Oh, we are almost there, another week of not doing anything and then we can all go out and forget about it.” No, another 4 months of hard lockdown and then, if you go out and act like nothing ever happens you can catch it again from any source, a package, a traveller coming in and using an elevator button, anything. Then because you do not have this lockdown in place anymore the virus just spreads like wildfire and because it only affects seriously about 10 per cent of the people who have it you know about it 3 or 4 weeks later when it is really too late to do anything about it. Elimination is a very strict procedure and it takes much more time than anybody now in the population thinks. The other points I have is quite a list but I think those are points where I talked about and this was the most important so I will stop there.

### **8.2.13 The Deputy of St. Ouen:**

I should like to begin by endorsing the Chief Minister's opening message that our strategy to combat the pandemic is working. As the Chief Minister has said, one of the reasons it is working is because we are listening to the advice of our medical experts and developing and implementing actions accordingly. I would like to publicly recognise the hard work of our medical professionals. It is their advice and guidance that has ensured that we as a Government have been able to implement a policy

that has kept the virus under control in Jersey and has brought us to our current position where the existence and the transmission of the virus is at an extremely low level, almost zero. I also want to pay tribute to all our medical and health service staff who are the heroes and heroines of this crisis for all that they are doing on the front line to help us beat this virus. I believe the worst thing we could do now is to suddenly take a different path, going against the advice of our medical professionals. That would also let Islanders down. They have shown such determination and sacrifice to ensure that we are in our current good position. Our strategy has been clear; to delay, contain and shield, to flatten the epidemic curve and to protect the most vulnerable. We have done that successfully. Containment is about keeping numbers at low levels. The aim is to prevent spread in the community. The biggest measure we can employ is by continuous testing and tracing. Containment is not about fixing on a number of cases that we might deem acceptable. The aim of our strategy is not to eliminate. The aim is continued containment to prevent an exponential spread while we await vaccine developments. I am extremely cautious about using the word “eliminate”. We must be aware that our increased testing regime will undoubtedly lead to finding more positive cases. We will find people with low or minimal symptoms who are at work or who have not previously reported as unwell, so we will control these and trace their contacts. We will exercise vigorous control but with this happening how can we say we are progressing elimination? I believe that will create confusion. We have kept the public with us. I do not want to lose that confidence. Whatever we say or we choose to do in this Assembly, the success of this strategy has been down to Islanders and they must understand that we are in a position to control vigorously. I do not want to create the impression that we are eliminating. But we are not complacent. We have taken unprecedented measures to get to the position we are in today. Those measures themselves have caused harm to Islanders’ livelihoods, well-being, physical and mental health. Lockdown was the right action to take because the harm it caused would have been outweighed by the harm that would have been created by allowing the virus to spread in an uncontrolled way through our community in a manner that more than likely would have overwhelmed our Health Service. I am pleased to be able to have this debate. It offers the Government an opportunity to reflect and ensure we are continuing to pursue a policy that strikes a balance between containing, suppressing and treating the virus while not causing more harm through the actions we impose to that end. We want and need to gradually and safely ease out of lockdown to reduce the harm it causes while concurrently assuring we can control and suppress the harm caused by the virus. That is why we have used the time during lockdown to create greater capacity within our Health Service. We are very much more prepared. Significantly our measures include our Nightingale Wing and as a result of all our preparations the risk of someone dying from COVID-19 has been greatly reduced and that contributes to ensuring the ease of the lockdown can be undertaken safely. That is important because I want to assure Members it has never been part of Government strategy that we accept a certain number of deaths as a result of this crisis. We have had to plan for deaths. We have produced an ethical framework that I acknowledge created a variety of different emotions. But we did that at the request of clinicians at a time we faced the possibility of a steep curve in the infection rate. It was difficult to make that preparation but it was right to do so and I think we are in a position where we trust now we will not get to that alarming position of having to invoke an ethical framework. Why do I say that? Because we are ramping up our testing and tracing capacity so we can contain and track the virus within the community. We will then be able to control and suppress it in a safe and sustainable way. We will deal with the additional cases that will result from the easing of lockdown and that will mean our health services can continue and we will cause the least overall harm to Islanders. But as we have always said, if it becomes necessary in the view of our medical experts to reimpose restrictions our strategy allows us to do that and we would do that. It is about being adaptable, being able to strike the right balance, measuring the circumstances we are faced with. As the Chief Minister has outlined, there is much Deputy Perchard’s Proposition and the Government’s strategy have in common. We are not that far away from each other in our objectives. Hygiene and physical distancing, strong border controls, quarantine, testing and tracing; all the 5 bullet points that Deputy Perchard has

referenced in her Proposition we are implementing. The exact detail will come about when we reach a point so border controls are being discussed but we do not have certainty around border controls as yet because now is not the time. Ministers have not come to a point to discuss that. Options are being considered at officer level. The whole of Government wants to ensure that when we reach an appropriate time that we can consider opening the borders we will have effective and vigorous control over them. Just at this moment we cannot accept a requirement to pursue an elimination strategy that does not allow us to act in the way that causes the least overall harm to Islanders. Pursuing elimination would put that one objective, to prevent harm from COVID above all others at any cost and that does not align with the medical advice being given to us. We fear that pursuing elimination would cause wider and possibly greater harm. The Chief Minister gave some examples earlier. He referred to G.P. consultation being down a third and that worries me greatly because it is likely that people who should be seeing their doctor about particular medical symptoms are not doing so. We fear also that patients, both adults and children, are not attending hospital or urgent care they might need.

[17:00]

Screening programmes have been interrupted. All that could be storing up problems for the future and possibly lead to more serious conditions than would otherwise have been the case. That applies equally to dental issues where we are only carrying out basic urgent treatment and not community dental treatment. I do not believe it is right to expect Islanders to wait to face these non-COVID related healthcare issues until we have eradicated the virus. In this Mental Health Awareness Week who knows the extent of the harm being done to Islanders' mental health by requiring them to stay at home for long hours, cutting down many of the activities that enable them to maintain their mental health and well-being? It has been reported to me that a number of failed suicide attempts have been linked to the economic impact of COVID. We have also seen an increase in concerns for welfare, counselling and family support so we know our decision to lockdown has had a detrimental effect on Islanders. I was taken aback when I turned up for work one Monday morning and a member of my management team told me that 3 people over that one weekend had been admitted to hospital as a result of domestic violence issues. Many of these wider harms would continue to be imposed unnecessarily if we expressly opt for an elimination strategy. We would be storing up all those problems and I believe it is unnecessary because it is possible because of the advice we have received to gradually ease the lockdown while still controlling and suppressing the virus and ensuring our Health Service can cope with new cases. There are potential human costs on both sides of this equation and COVID-19 is not the only potential harm. Let us consider carefully all the others that face us. The adoption of this Proposition as amended by the Chief Minister will allow the Government to adapt and evolve its policy and its safe exit framework as required to ensure that we are continuing to pursue an approach that causes the least overall harm and that means taking a balanced approach, one that is right for our Island and is based on the advice of our experts. I wish to maintain a strategy that has worked and that will work into the future, that we will continue to control and suppress this virus and that we can reduce the harms that we see.

#### **8.2.14 Deputy J.H. Young:**

I am going to approach this from a slightly different position. When I first saw the Proposition of Deputy Perchard I was very pleased because I thought it is the first chance the States have been able to have an open political debate about the situation we have experienced for the last 2 months and the direction of travel for the future knowing this is a very long journey. My colleagues in the Council of Ministers will know that I struggled with being presented with a binary choice, not something I was comfortable with. It is an open secret I had some very robust conversations and there is no question in my mind that the decisions we had on the agenda today are political choices. Absolutely they have to be based on the medical advice but I think where we draw those lines and the issues and balances are political choices and it is good that we have this decent debate today. Obviously I said

to my ministerial colleagues, having listened to the arguments and spoken to Deputy Perchard and the Minister for Health and Social Services and other Ministers, I would make my decision having listened to the debate. There are a number of things I wanted to highlight that are, in my view, material to the judgment. I think we have in the Amendment a number of commitments there. An explicit commitment to keep the infection at a low level and a commitment to do those control methods. In common with many people in the Island, particularly at my age of 73, I was scared stiff when we had to have that ethical choice about who would survive and who would not. Thankfully due to the huge efforts of all our staff and the public in embracing it we have come to a good place, a much better place than I think any of us had thought possible, but we have done that. I want to be confident that the commitments made in the Amendment maintaining the control, what I think is called adaptive control in other places, we are not the only society to have this debate. Australia had the same issues as well, but for us, of course, we have to be driven by our local circumstances. We are not a country that is self-sufficient. A number of those issues in there we have that commitment and central, I think, is this issue of testing. I will be frank. I have been disappointed that our level of testing has not risen much faster and more substantially because if we are all to face increased risks, and I have to accept reluctantly that is the case, the logic of Deputy Guida is correct and we have a degree of measured relaxation, testing seems to me the number one priority. We really have to make sure that is number one in our strategy but we are not there and I believe we should get to the point not obviously the priority to the health workers, the care workers, the essential workers, but to everybody because a lot of people including myself have been unwell, had symptoms. We were told you cannot have a test they are not the proper symptoms. We do not know and I think in order to be able to make decisions, personal decisions, risk management decisions, that testing programme needs to be elevated. I also want to see a programme. I am absolutely convinced and really worried about the reduction on the normal health care, the G.P. health services and others, that people are staying away. I want to see a plan, an active plan for how we can restart the non-COVID health service as soon as we can and I do not see that as mutually incompatible with maintaining a low COVID number. I do not see it should be a choice. We should be able to do both. Then on this question of vulnerable groups, I have family members who are both in the highly vulnerable categories who are living with young children and are facing the choices of what they do when the schools go back. Those are awful decisions, difficult decisions for some people in certain high risk groups. I would like to see a strategy and help for how those people are going to be able to take those decisions. That is part of the issues in the Amendment I want to see. I think about all the concerns that have been expressed about the need to maintain controls on our borders, and I was very pleased to see the commitments on maintaining or introducing the possibility of testing as a means of increasing the availability of air transport. But I am very worried about premature talk of opening those doors because I accept the damage to our tourism industry but we should be able to help them carry through. On decisions my judgment is where this has come to, I absolutely trust the Minister for Health and Social Services that he will respect those commitments that are embodied in the Amendment and make sure he does everything he can to keep the infection level as low as possible. Therefore my judgment is while one is very attracted to the proposition of having elimination I think on balance I will support the Amendment.

#### **8.2.15 Senator T.A. Vallois:**

I would like to speak following Deputy Young's speech just there. He is right that there are particular complexities and issues around how we manage going forward in terms of what we find ourselves in this situation with regard to COVID-19. Speaking therefore as the Minister for Education with regards to how we return schools safely considering the enormity and the issues around physical distancing and mass gatherings there are a couple of things I want to take from what I have heard during this debate on the Amendment. I think it has been an extremely good, interesting debate and there is willingness to complicate the definitions of certain things in order to get a certain vision or determination on which people feel is appropriate for themselves. But one thing that has not been

mentioned, and I feel I need to mention it and the Chief Minister will be completely aware of this because I mentioned it within the Council of Ministers, is we talk about control and suppress and we talk about Deputy Perchard's Proposition on elimination but I think the public needs to properly understand the instruction around the shielding aspect. Senator Ferguson talked about shielding and protection for the elderly or older aged public but also those old and infirm, and that has not been mentioned in terms of this Amendment. The reason why I want to raise it is because I think it is really important in this context. If we go forward with a control and suppress strategy, as has been mentioned just recently by the Minister for Health and Social Services in terms of how long, and it is unknown and because it is unknown because of the situation we are in worldwide, not just in Jersey, around the issue of the virus is what does it mean for those having to shield? There is no clear guidance on that at the moment and we have not heard anything further in terms of shielding.

[17:15]

For example, people who are going through cancer treatment, and I have to take to a certain extent a question and an argument towards the point of view of the Minister for Health and Social Services around people attending appointments because if they have not received appointments or their appointments have been changed then they cannot necessarily attend those so it is not necessarily the decision of an individual. I think what ultimately comes down to everything in this debate is confidence and reassurance and if we cannot instil that into the majority of our population then when we talk about economics and we talk about mental health and we talk about the need for people to get back to their normal everyday requirements, whether that is going to see a G.P. or going to school or all the other things that have been mentioned, then we are not necessarily going to move forward in the way we possibly could. I think it would be appropriate for the Chief Minister to respond with regards to the shielding strategy and what the plans are following shielding when we are going through the next steps of exit framework and how that is different to the elimination strategy.

#### **8.2.16 Deputy R.J. Ward:**

I just changed my screen to get to what I was going to say. So much has been said and it has been a very interesting debate and I would like to thank Deputy Perchard for bringing this debate and I countersigned because of the need for an open debate on this subject and due consideration of all possible options in response to this pandemic and to have a clarity over the Government's long-term strategy, which I think is so needed. We all need a picture of the pathway through this pandemic and I agree with Senator Vallois it is that certainty that helps people. The route to recovery as well as we move through it, and despite the undoubted hard work of many throughout the Government, this picture is only starting to become clearer now. It opens the question of whether we need to have more discussions in this Assembly over key issues, perhaps in the form of in-committee debates over topics such as these. I have asked on several occasions about the relative influence of the Assembly, the Council of Ministers and the Chief Executive and the answer is not clear. Many are asking rightly or wrongly who is running the Island. Where are we now? There is no doubt there is an attractive allure of a strategy that promises to eliminate the coronavirus from our Island and allow us to return to some form of normality within a bubble that is the Island of Jersey. We all received emails to encourage support for this action. Remove the virus locally, open up the local economy and all have a staycation summer while we wait for a vaccine and the rest of the world to catch up. We do need to be certain about elimination although to some extent I like the focus on words but I think that has also become a difficulty in this debate. The elimination of the disease refers to a deliberate effort that leads to a reduction of zero incidents of infection caused by a specific allergen in a defined geographical area. That is the definition. A disease can be eliminated from a specific region without being eradicated globally. Short-term removal gives the opportunity to gradually relax long term but it will mean isolation from the Island until the virus is eradicated from the rest of the world unless we have strategies in place that will change the nature of what we do and how we travel and how we interact long term. There is doubt whether this or other forms of COVID virus found will be



eradicated. We have to recognise this. It may be a virus that we have to learn to live with in our communities for many months or even years. Whether a full elimination strategy can work in the long term I am not sure so the original Proposition required to make a significant change today did leave me with real concerns about the validity of that decision. The detail is in the key to this approach as much as in the principles so the Amendment is an interesting approach. I see the realism in the part of the Amendment that refers to very low levels of virus. I would like the Chief Minister to confirm whether this refers to small outbreaks that can be tracked through better testing and tracing and are perhaps inevitable until we have a vaccine or more detail on the long-term behaviour of the virus. Part of elimination strategies in other places will include this fast testing and tracking to prevent breakouts of infection. I have serious concerns in regard to our response to coronavirus so far, to be completely frank. There is no doubt that we as an Island have been successful in limiting infection and I think we all accept that. This pandemic has laid bare many of the inadequacies of our society's structures, governance being one of them. The process of decision-making is unclear to me as a Backbencher but I am also an equal voting Member of this Assembly. We have eventually received more meaningful and detailed briefings on the situation but I feel that we have had to push for every piece of information and I want that to be understood by Government. Even today the Minister for Health and Social Services could not confirm the length of contact tracing even though a Government produced video suggests a timescale. These repeated failures in communication - and this is criticism in its truest sense - to be inclusive and respectful to all of the Assembly is a mistake and I would like that to be acknowledged and that is something positive that can come out of this debate. Yesterday was the first time we heard directly we are not pursuing a herd immunity but a process that wants to balance restoring reasonable levels of normality and a gradual drip of cases that can be controlled. I cannot help feeling that this Proposition is a catalyst for that change. It was also made clear that the Medical Officer for Health believes that the current changes to movement and opening shops could not cause a significant increase in numbers if we obey the distancing and hygiene measures required. This is a key message to Members and, vitally, to the public. It must be understood what we are really aiming for. I will support this Amendment if it means that we will continue to enact measures that use sound advice to almost or entirely eliminate the virus in the context of the virus being on Island and the reality of this fact must be understood. I thank Deputy Guida for his comments which are very important to consider. I am concerned also that not all Ministers, the Executive group, are present at the top table for decision-making but unelected officers seem to be; a product of a dysfunctional structure. Surely all Ministers need clear sight of decision-making. Is it realistic to change course now within 2 weeks to a strategy that seeks to eliminate - and that is the key word here - the virus from the Island and keep it out? We would need to re-establish a strict lockdown for a significant period of time. I believe, to declare elimination of the virus, we would need to go 3 weeks without a new case, we will be reliant on the production of and access to an effective vaccination if we were to return to the world stage and reopen links and we will need to have a clear strategy for supporting all sections of our society through prolonged lockdown, particularly in the most vulnerable, until we are certain of full elimination. The experience of lockdown is different in a house with a garden in leafy lanes compared to high-density flats, bedsits or lodging houses in central St. Helier or other areas of the Island. The Amendment to include provision of mental health should be an integral part of the public health strategy and I will be supporting that. I recognise the well-publicised success of New Zealand but it is a very different country and people have been through that; about the population density and its distance. I believe it is 1,600 miles from its closest neighbour so we have to be very careful. The absence of the virus means that any future exposure will require them to return to lockdown or maintain their isolation almost indefinitely. The science of this is unclear as we do not know the long-term behaviour of this mutation of the COVID virus and there is no clear timescale on the production of an effective and widely accessible vaccine. I totally agree with the genuine concerns of Deputy Perchard over the possible deaths allowing the virus to spread. This is the most difficult part of the debate. I also understand the less definable arguments of deaths being caused by long-term restrictions being

imposed. We have an almost impossible balancing act to perform. We are beginning to limit both infection and deaths in Jersey with level 4 restrictions in place. My concern is if we relax measures too quickly without leaving a 2-week time span to see the impact. Some of these concerns were dealt with in yesterday's presentation from the Health Department but I want reassurances that the health of people will be the priority in all decision-making. It is complicated by the impact on health and death rates of lockdown and isolation. There is data today from the U.K. that suggests they are significant. Much is said about following the science and we have had better briefings recently but have we been party to all information from the Medical Officer for Health? I have not seen analysis of any possible elimination strategy. Therefore, how can I eliminate this - if you excuse the pun - from my thinking and how can we adopt something that may not be possible? This is the key decision-making. Open discussion with the Assembly and informed debate. So what is the reality of the virus in the future and what is a wish list that we would all share that just may not be possible? We have only well-controlled and edited snippets of this wider debate and, subsequently, the entire discussion has been played out on social media and, at times, via hearsay and assumption. That demonstrates a fall in the systemic leadership of this situation and I do not care for personality politics. That is not what I am saying. I am talking about systemic leadership from the beginning. This means that there are questions we must answer if we are to make genuinely informed decisions in the Assembly rather than engage in a divisive - and, thankfully, it has not been a damaging - debate so far. So many things have already been said and I will cut a bit out of this. I will support the amended Proposition because of the commitment to keep the virus to very low levels and a commitment to ultimately eliminate. The points that were made in the amended Proposition, which is very similar to the original, about rapid case detection identified by widespread testing, case isolation and contact tracing, intensive hygiene promotion, border controls of high quality quarantine and/or testing, intensive physical distancing and a co-ordinated communication strategy those are the key points to us combating this virus whether we use the word "elimination" or whether we use the words in the Amendment. Those are the things that have to be done and testing has to be the key to that. I share the strategic aim of avoiding any deaths and the principles behind elimination but detail and action are really key. That is what we have been questioning since day one; the detail of the actions that are being taken. This, I hope, gives a commitment - and I would like the Chief Minister to make this commitment - to ensure that all elected Members have the information they require to provide proper representation for their constituents. It is the role of the Assembly to consider information and make decisions. This has been a better debate and, at this moment in time, I will be supporting the Amendment because I believe that we can achieve what we need to with that Amendment but only with openness, clarity and respect for the Assembly as the decision-making body of this Island. Thank you.

**Senator L.J. Farnham:**

Can I propose the adjournment?

**The Bailiff:**

Thank you, Deputy. It is now 5.28 p.m. The Assembly resolved to adjourn at 5.30 p.m. I have one Member wishing to speak at the very least. The adjournment is proposed. Is it seconded? **[Seconded]** Very well. The States stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:28]