

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 11th DECEMBER 2024

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[9:31]

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

Deputy T.A. Coles of St Helier South:

Can I raise the défaut on Deputy Tadier, as he has now sat down?

The Bailiff:

Yes.

Deputy I. Gardiner of St. Helier North:

I would like to raise the défaut on Deputy Doublet, please.

The Bailiff:

Deputy Doublet? Yes.

Male Speaker:

Could I just advise the Assembly that before we start that I have to be absent for a while to attend a funeral this morning?

The Bailiff:

Thank you very much, Connétable.

Deputy S.G. Luce of Grouville and St. Martin:

Could I advise the Assembly, I have a family medical appoint at 2 o'clock? I will try to get back as soon as I can this afternoon.

The Bailiff:

Thank you very much, Deputy.

PUBLIC BUSINESS - resumption

1. Amendment to Standing Orders - remote participation at States Meetings (P.63/2024) - resumption

The Bailiff:

We resume now the debate on P.63. Does any other Member wish to speak on the proposition?

1.1 Deputy K.M. Wilson of St. Clement:

I just wanted to raise a couple of points for consideration. I think the most important thing is that we are in a time when remote working is becoming a matter of great significance for us. The nature of work is changing and I think it is imperative that we also go with that change, and there are a couple of reasons for that. It is not particularly a trend in terms of the way in which we are proposing introducing remote working, but it is really about how this Assembly can be as productive as possible and how it can value the contribution of all Members in circumstances that do not allow them to be here physically in person. One of the important things I think somebody mentioned yesterday or a Member mentioned yesterday was this notion of visibility. I think that is really important that we are visible to our constituents but that visibility does not necessarily extend to being physically present. The visibility is about what we say, what we bring, what we contribute to the debate, and I also think as well that what we have available to us is an opportunity to model really good standards of remote working so that we can show to the electorate, to the Island, that this is an opportunity to modernise some of our Assembly processes, as it were, that will not have any detrimental impact on the way in which we operate our responsibilities. I think the other thing is that we mentioned in our policies and our frameworks, our legal frameworks, issues like reducing carbon emissions. If we are to take

reducing carbon emissions really seriously, remote working is one of those areas that we can be seen to be actively contributing to reducing carbon emissions, but by also being productive in the work that we are doing. I think we have to be mindful that we are just not saying these things without actually living and breathing the values. The other thing that I would like to offer is that the Assembly is about leadership. It is about leading change. If we are to lead change in inclusive and diverse practice, I think one of the ways in which we could consider the importance of remote working is to recognise that there will be people with different abilities and needs who want to make a valuable contribution to the Assembly's work. Not only in terms of their disability or their restrictions, but also in terms of the fact that when people have got long-term conditions, that we create the conditions for people to be able to contribute and to be able to bring valuable perspectives to the Assembly and not just entirely rely on the fact that people have to be sitting here to be able to do that. That is all I wanted to say. We have an opportunity to demonstrate that we can do things differently, we can do it well, we can do it productively and we can also take into account the different circumstances, the different diversity the Assembly has in making that contribution to the debate.

1.1.1 Connétable R. Honeycombe of St. Ouen:

I am sure that most Members will be aware that I have been unable to attend due to injury since September. I have not been permitted to drive since 27th September but have attended every meeting on Teams, with a request to the Greffe and request that you are informed, and the Greffier is informed of the reasons why I am not present. To me, having a Teams invitation, it is a privilege to actually be able to join online. I was told yesterday it could be a year before I am back to normal. With the thought of not being able to attend for a year, I have got a duty of care to my parishioners, as I am sure everybody has a duty of care to their parishioners or their constituents. So this is just updating, we are continually updating everything, and this is just updating what we should be doing. When this last came up for debate, I said you made a statement, a commitment you will attend States sittings. I said then: "Well, the people who are trying to join our Teams are just doing that, they are trying to attend." I think it is most important that we are able to join remotely. I congratulate P.P.C. (Privileges and Procedures Committee) for bringing this forward, and I urge Members to support this proposition by parts (a), (b) and (c).

1.1.2 Deputy J. Renouf of St. Brelade:

There are 2 things we are talking about here, I think. One is the principles that are at stake, and then there are the specifics of what is actually proposed in the proposition. If I think about the principles, I think that there has been some very, very interesting points made in this debate, and it has made me think quite deeply about what is the role of a Deputy? How should an Assembly conduct itself in the modern era? The principle that I suppose I have come to believe in more strongly the longer I have been in the Assembly - not long now compared to many - but nevertheless longer than a while ago, is that attendance in this Assembly is crucial. I think that the ability to listen to debates in person, to read body language, to see how people react, to know when people are in or not in the debating Chamber, to see when people apologise, as I have had cause to do on more than one occasion, whether that looks sincere, and so on. Those are matters which I think are important and this Chamber. I noted Standing Order makes a very clear point on this, that attendance in the Assembly is the presumption. As a fundamental principle, that is where I start. I was interested in Deputy Tadier's comment, which was to take an absolutist view on that principle, which was to say, "Well, if you cannot attend, you cannot attend, and that is fine, but you should not necessarily assume that you can contribute just because you cannot be here. There is no shame in being malade. There is no shame in being excusé. Those are perfectly valid positions to take on the basis of the facts. I do not think, despite the odd comments on social media and so on, that most Members of the public would begrudge Members who are absent for good reason.

[9:45]

But I also had cause to listen to Deputies Jeune, Miles and Doublet who made counterarguments about the need to respect the position of people who cannot attend for various reasons. Those were reasons which might be very valid and which would not prevent people from contributing in a worthwhile way to the conduct of this Assembly. I find myself in a middle position. I think there is a danger that we go too far down the route of remote working. I do not think that remote working is a default position for this Assembly. There is an argument that could take this to its logical extreme. People have argued we can make use of technology. Indeed, we could meet entirely remotely. That is an entirely feasible proposition today. We could meet on Teams. There is no need to meet at all. But there is a purpose in meeting in person. We are social animals. We derive a lot of our communication from being here in person. I know that people, myself included, are swayed in debates and that that process, that chemistry, if you like, is different in person to when it is remote. I know that in the U.K. (United Kingdom) Parliament, for example, when I first came to London, I stayed with 2 M.P.s (Members of Parliament) who put me up because I had to move to London at short notice, who I knew from my time doing my research. They lived in the division bell; what was known as the division bell area. I think it still is. That is any house or property which is within 8 minutes' travel time of the House of Commons. If you live in the division bell area, you are entitled to be able to ... I think some people have division bells installed in their houses so that they could hear when a vote was 8 minutes away and make it over to the Assembly and vote. That is a thing which happens when Members are essentially voting fodder and they are required to vote in order to lead their party with. I think that this Assembly would not want to go down that route. We are a debating Chamber. We listen to each other's arguments and we make decisions on the basis of those. So I think for all those reasons, the principles to me seem to be ... that principle seems to be very important. But if we look at the specifics of what is actually being debated here, what is being debated, as Deputy Rob Ward reminds us, is to look at the actual proposition is 3 things. I think we are compelled to look at what those 3 things mean. If I focus on the second one in particular, I note that it is a tightening of the rules around attendance compared to what is currently in existence. I think, good, that is a sensible tightening. It allows for many of the points that have been raised by Deputy Jeune, Miles, Doublet and others in terms of the ability to attend remotely when circumstances require it, but makes it clear that that is not a default position, that it requires a decent reason. It also is the case that that proposition that we are considering, it does not have to be the end of the matter. Several Members have raised other circumstances that they might wish to consider and to be included as reasons to attend remotely. Of course that could be considered in the future. We have to focus on what is actually before us. What we have before us is a clarification of the rules, particularly around sickness and caring responsibilities. I also am comforted by the fact that the proposition makes clear that detailed guidance will be provided by yourself, Sir, in conjunction with P.P.C., and good thought, I am sure, will be given to that and will provide further clarification for Members of those circumstances. So I have no problem with part (b). I do have a problem with part (c). I think there is a huge danger with part (c) that we legitimate the idea of attendance from wherever one is, whatever one is doing. For the reasons that I have stated in terms of the principles which I bring to this, I do not think that that is appropriate. I do not think that we should be in a situation where, for example, a Minister or a Member could be abroad attending some conference and simply get a text message a few minutes before a vote to say: "Can you just log on now", or not log on, "go to the thing, pay attention and you might be able to vote on Teams." I find that a situation that I do not feel we should be going down. I think people are able to make choices when they go overseas about whether or not they are choosing to prioritise the Assembly or not. They can have very good reasons, as I said earlier, for being excused. Very good reasons. But those reasons are reasons not to be here, not to be taking part, and may mean you are not taking part in a debate. That is a little bit of a slippery slope, and I do not feel comfortable in voting for it at the moment. My position is to support part (b) but to reject part (c). I thank the Assembly for listening to the points that I have made.

Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

Two things, firstly can I raise the default on Deputy Farnham.

The Bailiff:

Indeed, yes.

Deputy M.E. Millar:

Also I would also like to ask the A.G. (Attorney General) a question, please.

The Bailiff:

Yes, you can ask the A.G. a question. You cannot do a speech in any way or form, but any Member can ask the A.G. a question at any point. Provided that it does not mutate into some form of speech, then you can.

Deputy M.E. Millar:

It is not a speech but I could perhaps explain that we have discussed the question of disability a couple of times in the context of paragraph (b), and I think the law requires us, if somebody has a disability ...

The Bailiff:

I am sorry, you have to ask a question.

Deputy M.E. Millar:

What are our legal obligations? Do we already have legal obligations under the law to make reasonable adjustments where someone has a disability and this is not the place to deal with it?

The Bailiff:

So, your question for the A.G. is: are there already obligations in the law to make adjustments to disability within this Assembly?

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

There is a duty on employers and owners of premises, for example, to which the public have access to make reasonable adjustments for disabled persons and indeed disability is a protected characteristic under the Discrimination Law and a person is automatically unfairly dismissed if they are dismissed for disability. But that general legal position is modified in respect of the States Assembly in that under Article 34 of the States of Jersey Law there is a general privilege in relation to States proceedings and no States Member can be subject to criminal or civil proceedings in respect of States business. The general duties could not really be enforced against the States Member for failing to make reasonable adjustments.

The Bailiff:

Yes, and the States Assembly *per se* is not a corporation so it could not be ...

The Attorney General:

No, it could not be sued collectively, but its Members could not be subject to civil or criminal proceedings in respect of a failure to take reasonable adjustments for disability. It would be a matter for the Assembly itself, because the Assembly is not subject, as I have said, to similar civil ... or States Members are not subject to civil proceedings in the courts in respect of what they do in the States business. But it is a political matter for the States itself in respect of any enforcement of Standing Orders as to what the consequences of a failure to take reasonable adjustments would be, and that would be a matter for the States collectively to deal with under its processes under Standing Orders. So it is dealt with not in the courts but it is a matter for this Assembly.

The Bailiff:

Thank you very much, Mr. Attorney. A number of lights have gone on and I have noted them but are any of those lights directed as further questions to the Attorney General? Deputy Ozouf, do you wish to ask a question of the Attorney-General?

Deputy P.F.C. Ozouf of St. Saviour:

May I just seek from the Attorney General kindly whether or not ... we discussed yesterday the issue - the reality - that A.D.H.D. (attention deficit hyperactivity disorder) is a reality for some Members; I know I am one of them. That is, as I understand it, a ... it is not a disability, but it has certain protected characteristics in other people with mental health issues generally, but does the cover of those matters sit alongside or are they subject to confirmation by the controls that are in this proposition? I do not want to go into great detail but I just want to raise particularly the issue of defined challenges that individuals have because I will not be the only one that has sometimes challenges in relation to mental well health.

The Bailiff:

Are you able to assist with that, Mr. Attorney.

The Attorney General:

I feel that it may be a matter for your guidance, Sir, in that part (b) of the proposition creates an exception in respect of Members' health or the health of a family member or household member. So health is not a defined term, it is a general word. So the question of whether a particular health condition, such as A.D.H.D., in relation to the question asked by Deputy Ozouf, I fear it would be a question of degree. Whether the condition is such to affect the Member's health to a degree that they are not able to come to the Assembly in person. But I suspect that that is going to be a matter for further guidance, because part (1B) of part (b) of this proposition says that: "The Bailiff, following consultation with the Privileges and Procedures Committee, must issue guidance on the interpretation of paragraph (1A)." The question of what is a health condition may well be one that requires some further guidance because health is a general word and perhaps what one person might consider to be a serious health condition might not be seen as a serious health condition to others, so I rather suspect that there will need to be some further guidance that is issued if part (b) of the proposition were to be adopted.

Deputy P.F.C. Ozouf:

May I thank the Attorney General for his question and I will not raise a point of order now, but I will raise a point of order at the appropriate time that you may make a ruling based upon the facts, based on the interpretation of this.

The Bailiff:

I think this particular paragraph, if Members vote for it, they are voting for the principle of health being a reason. The matter for precisely what falls within that pot is a matter for guidance that I will issue after I have conferred with the P.P.C. It may be that P.P.C. will wish to take representations from Members more generally, so that we get a definition that Members are happy with if this part of the proposition is passed. No one should vote for or against it on the basis that it will or will not cover any particular specific difficulty that people have. Deputy Scott, you have a question for the Attorney.

Deputy M.R. Scott of St. Brelade:

Just to clarify please, am I to understand that the definition of "health" as set out in this proposition can be determined by the P.P.C. itself subsequent to the passing of this proposition and is there any required timeframe within which this guidance would be produced?

The Bailiff:

That is a matter for me it is not a matter for the Attorney General ...

Deputy M.R. Scott:

I just wondered whether there was an actual requirement.

The Bailiff:

... because it is an interpretation. The answer is no, there is no timeframe involved but one can reasonably assume that people are going to want this to be effective, if it is passed by Members, and therefore guidance will be collaborated upon and issued as soon as it reasonably can be. That would be the most I can say about that.

[10:00]

As to whether health is determined, I think my instinctive reaction, and it can only be that not having conferred with P.P.C., is that there are certain things which obviously are matters of health and which it would be unreasonable not to consider them as anything other than matters of health and temporary illness, for example, which incapacitates a person in certain respects would certainly be one. Longstanding conditions may or may not have different considerations and that is something that I am certainly not in a position to make a ruling on at this stage. Deputy Tadier, you had your light on, was that as a question or to speak?

Deputy M. Tadier of St. Brelade:

It is a question, Sir, because I have already spoken. We have to vote on the wording that is before us, and one of the words before us is "due to unforeseen circumstances" an elected Member is unable to attend. So the question is around "unforeseen". Am I right in thinking that unforeseen is not the same as unforeseeable? Actually theoretically anything can be unforeseen if you did not envisage it happening.

The Bailiff:

Again, I think that is a matter for me rather than for the Attorney General because it is the interpretation of the proposition. There is a distinction between unforeseeable, which is in the circumstances no one could reasonably have foreseen it. Unforeseen must mean not foreseen by a particular individual at a time. But I think it must import with it reasonable foreseeability, would be my instinctive interpretation of that. If someone has not foreseen something that should, frankly, have been blindingly obvious to them, then I am unlikely to be sympathetic that it falls within that definition.

Deputy M. Tadier:

Can I just say, though, it is a problem in the sense that we are voting on what is before us? It does not say that it is reasonably foreseen. There is another issue ...

The Bailiff:

Deputy, this is a speech, please do not continue. The answer is the Assembly is voting on precisely what is in front of it, with all its ambiguities. Is this a question, Deputy Ward?

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

Sir, it may well be for you, but it may be for the A.G. Just to confirm, when this is voted on today, if it is accepted, does it come immediately into force, or is there a period where we have to wait for the guidance; just to confirm that.

The Bailiff:

It simply says that the Bailiff will consult with P.P.C. and issue guidance. I think that is an iterative process. There can be fairly short, immediate guidance issues which says it will at least cover the following circumstances, and then a little bit more reflection can give rise to further guidance later on. But I think guidance is required. I think there will be some which, if necessary, can be decided on a case-by-case basis where it will simply be obvious that it will apply. But that is as much help I think as I can give at the moment.

1.1.3 Deputy T.A. Coles:

After all that clarification I feel that my speech here might be a little bit redundant, but here we go. I was just going to basically comment on the mechanics of this proposition because I think ... I am not sure if there is confusion or if this proposition allows for so much depending on how the votes roll. So part (a) asks us to rescind P.87/2021, which allows for the continuation of remote participation. This allows people to remote participate for whatever reason they like; not on health grounds, not on child-caring responsibilities. If you just do not want to put a suit and tie on that morning, you can participate at home, keep your camera off, and that is going to be acceptable. Actually, if we are talking about this modern world and modern ways of doing things, that is probably not necessarily a bad thing to allow us to continue to remote participate for whatever reason without closing that book down. It is my understanding, if you would like things to continue as they are, the way that we are currently functioning, you will need to vote against part (a). If you vote against part (a), I assume then that means that part (b) will fall away and so therefore we will not be restricting this on health grounds. However, if Members do believe that we are being too liberal with our ability to remote participate, obviously that is the reason to vote in favour of part (a), so you can then vote in favour of part (b), which will then limit the reasons why Members can participate online. It is down solely to either their own health or Members of their immediate family's health. I think it is very important that when we are making this vote that people decide that that is what they want. I have heard Members talking about having childcare responsibilities and still wanting to participate online, but if you vote for part (a) and vote for part (b), that would not actually be an acceptable reason to participate online. I think it is very clear that we make sure that there is that distinction between how we are voting on it, and just some of the debates I think have maybe confused and greyed that area slightly. Part (c) obviously is very different, it is probably the only one that really stands on its own because it does refer to us participating off-Island. Now I am aware that I am someone who has been able to take advantage of the technology and allowing us to do that in relation to one of the first votes we had at the start of this year. Deputy Scott brought a short emergency proposition to ask the Assembly's permission for us to do that. In the grand scheme, I think that was a very functional way to do it. In that way, the Assembly gets to decide at that point that there is something that is of an urgent enough nature - of an unforeseen nature - that we can participate in that way because I think all Members should be trying to make whatever effort to be at least be on-Island to participate in our States debates, because this is the Island that we represent and this is where we should be. Obviously yes, that additional sitting that we had at the start of this year meant that a lot of us had plans, some holidays booked for a very, very long period of time, family implications within those holidays, because our timetable of States sittings are scheduled 18 months in advance. September the year before is when we know we will ... sorry, at least 6 months for the first one of the year, but we also know that because it is indicated at the end of the timetable provided the year before. I have my views and my opinions on all these parts and Articles. I hope that the chair of P.P.C. will take these in parts, because I think it is very, very important to get this right, but also that Members realise that, like I say, if you vote for part (a), you are removing access to participate how you wish. Part (b) will then restrict how people can participate on-Island. Part (c) is self-explanatory for all Members, so I will leave my comments there.

The Bailiff:

Thank you very much indeed. What I overlooked to mention to Members, and I am sure Members will be completely aware of it in any event, is that there is draft guidance as part of the proposition attached as an appendix, which may or may not have covered some of the points that Members were concerned about. I have not had the opportunity to consider that or discuss it with the P.P.C., so it cannot be said with certainty that that is what will be adopted, but there is some draft. Secondly, Deputy Porée, although she was marked as malade, is in fact present by remote communication, so she is participating in the Assembly.

1.1.4 Deputy P.M. Bailhache of St. Clement:

I find myself absolutely in agreement with the sentiments expressed by Deputy Renouf and I do not propose to repeat what he said, except to emphasise the very great importance, it seems to me, of Members being in the Chamber, if it is at all possible. I want to say just a few words on paragraph (c), because it seems to me that paragraph (c) would place us at the top of a very slippery slope: “If, due to unforeseen circumstances, an elected Member is unable to be in Jersey.” If the purpose is to allow Members to participate, which I assume is the underlying purpose of that provision, why does it matter whether the circumstances are unforeseen or not? If the purpose is to allow Members to be here, Members to participate, if they are away at a conference or on States business or even on holiday, why should they not be allowed to participate? It seems to me that there is no logic in qualifying the provision by adding the words “unforeseen”. The other factor is that unforeseen seems to me to be almost entirely subjective. Did the Member foresee the circumstances or not? That lies within the Member’s own head. It is not a question of being foreseeable or reasonably foreseeable. It is a question of whether or not the Member actually foresaw the circumstances in question. I think it would be very difficult ... I have the greatest admiration for your skills, but I think it would be very difficult for the Bailiff to give guidance on a matter of that kind, because it all depends. I hope Members will reject paragraph (c).

The Bailiff:

Deputy Scott, you put your light on as if to speak, you have already spoken.

Deputy M.R. Scott:

Yes, but I wondered if you could just give some guidance about what would happen if Members voted for (a) and not (b), because that is not clear to me. But also some Members have referred to (c), but if I understand this, (c) is part of (b). So we have paragraphs (a) and (b), and (b) refers to ...

The Bailiff:

Well, I think that kind of guidance can almost certainly be given by the chair of P.P.C. when she sums up the case, because it is she who will be talking about the effects of these various votes. Members only need to be fully aware of that when the vote comes.

Deputy M.R. Scott:

Thank you, I would appreciate knowing what I am voting for.

The Bailiff:

Clearly you must be told what you are voting for.

Deputy J. Renouf:

Can I just clarify one issue which may explain the point that Deputy Scott is raising? If you look at the PDF version online it has the correct specific (a), (b), (c). If you just look at the version on the website not the PDF version, it is highly confusing as to what are parts (a), (b) and (c), so I recommend that everybody look at the PDF version.

Deputy M.R. Scott:

I thank the Deputy.

The Bailiff:

I only ever look at the PDF version, so for me perhaps it is clearer.

1.1.5 Connétable R.D. Johnson of St. Mary:

A very brief point, if I may. As Members have said, we are voting on what is before us in the proposition. There appears to be some ... not disparity, but different interpretations of what in paragraph (b) health might mean. My simple question is, following on from your own reference, Sir, whether the chair of P.P.C. would indeed seek the views of the Assembly as a whole as to guidance before issuing that guidance in consultative itself?

1.1.6 Deputy A. Howell of St. John, St. Lawrence and Trinity:

I agree completely with Deputy Renouf and I really admire what Deputy Bailhache has said. My only concern is that there could be a case when an individual Member of this States has to go to the U.K. to receive medical treatment such as radiotherapy. They could need to accompany a child or their parent for some procedure and they would be in a position that they could, if they were allowed to, through (c) be here remotely. I do not think that we should take that opportunity away from Members. We are here to represent our parishioners and our constituents. Just because we are not able to be here physically, which I agree should be the default position, but I do think we should be voting for (c).

The Bailiff:

The chair of P.P.C. will indicate whether that is covered by (b) or not.

Deputy M. Tadier:

Can I raise the défaut on Deputy Southern, please?

The Bailiff:

Yes, the défaut is raised on Deputy Southern.

1.1.7 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter

I realise we are coming to the end. The 2 words that really struck me throughout yesterday was trust and common sense. We know as a community at large, and certainly across the geography where we reside, trust and common sense are 2 words that are falling into disuse or disrepute or disrepair, whichever way we want to look at it. Those 2 words are important to those who put us in this place, as they are to all people who elect any Parliament. Like Deputy Tadier, we could look back and say that we would just like to move back to how it was before COVID, how it was before people could work remotely, how it was when everybody had to be present, when there was really very few excuses that were possible.

[10:15]

But we cannot. We cannot turn the clock back. We cannot go back to a position where work is only done when people are present in a particular place. So the importance of trust and common sense, as I sense we are about to move away from where we were in COVID but still find a practical way of allowing Members to partake in the democratic process, while at the same time managing their own ill health, the ill health of someone within the household in which they live, and that can be a multigeneration household. That does not need to just be children, it could be elderly parents as well that at very short notice require some caring duty to take place. We always in this Assembly, and I think always in Jersey, have proudly understood the need to put family and community first. Our entire honorary system is on putting others first, is on putting our community first, and that flows through to our family as well and we do not want to lose that. I think we have an opportunity today

to enhance that but we will need to deal with the issues of trust and common sense. That is going to fall on your shoulders, Sir, initially. I have got no doubt at all about your common sense approach to this issue and I hope that when P.P.C. have that initial guidance - obviously, as you say, the drafts are already included with the proposition - they do circulate and consult widely with States Members. I know that is not always easy to do because we are busy doing other things, but that will be critical. I would say actually the point that Deputy Howell has raised, to my mind, fits firmly under (b). We do not need to concede (c) because it can be prescribed, as you adequately articulated earlier, Sir. Some health conditions will be absolutely clear that they can be in the guidance, and the case where someone has to go to the U.K. for whatever health treatment, that is a health issue, and they should be enabled to participate remotely while they are sat on the bed having the drip in their arm or whatever it is, it does not require us, in my mind, to concede point (c). Of course, if I was being totally personal in looking at this, point (c) would be absolutely ideal for me because I would never need to get up at 4.30 in the morning to catch the 7 o'clock flight to be here in the States ever again. That is not the approach that we should be taking as an Assembly. I think those issues can be dealt with in point (b) for my part. We come back again to trust and common sense. The issue will be, and I am not saying that any of us will, but the temptation might be for some of us to abuse the system as we let it bed down. Therefore, Sir, I think that your guidance, as we are consulting on it, needs to think about what is the situation around abuse and how we ensure that it is not abused but that we allow participation in those difficult situations. But we also have a process in place whereby we can approach each other with trust, but we can also apply common sense. I will be voting against (a). I will be supporting (b), but not at this time do I think we should support (c), but I do think those issues can be covered under (b).

Deputy T.J.A. Binet of St. Saviour:

I am not minded to vote for part (c), but I wonder if you are able to assure us that the matters that Deputy Gorst has referred to can be covered under part (b). Because I do not think anybody should be precluded from participation for health reasons wherever they happen to be. Are you able to assure us ...

The Bailiff:

I cannot go further than exactly what it says on its terms. That is a matter for interpretation, but it appears simply from its terms that part (b) says that the Standing Order applies to an elected Member who is absent at the start of the meeting or any continuation day for a reason related either to the Member's health or to the health of a family member or household member. It seems to me that if they are absent because they have got to go to England for treatment or accompanying a member of their household or family for health reasons that is squarely covered within the wording of the section.

Deputy M. Tadier:

Is it not the case that you are either excusé or absent de l'Île and you cannot be both so in order to be excusé you have to be currently on Island and therefore there would need to be a change, is that correct?

The Bailiff:

Well I think under this Standing Order you would be neither excusé nor absent de l'Île, you would be participating remotely pursuant to Standing Order.

Deputy I.J. Gorst:

Could I just clarify something I just said? I fear I have inadvertently misled the Assembly. I have just been reminded that actually I will be supporting (a) because (a) is the rescindment rather than as I indicated during my speech. So I apologise for that.

The Bailiff:

You are allowed to do a point of clarification. One moment. I am sorry for that slight delay. I was not proposing to add to what I have just indicated, but I think there is a process of clarification going on with the chair of P.P.C., and there may be further points to add to that when the closing speeches are made. Deputy Morel:

Deputy I. Gardiner:

Now, I am confused, if I can ask 3 questions just to clarify for myself.

The Bailiff:

I am sorry, I have just called on Deputy Morel.

Deputy I. Gardiner:

Sorry.

The Bailiff:

I am sorry, now I am getting slightly confused. Deputy Morel, you had your light on, you wish to speak, I have just called upon you. You would like to speak, Connétable, and you would like to speak, Deputy Gardiner?

Deputy I. Gardiner:

I spoke, I would like to ask for some clarification from yourself. It can be before the vote because I am confused now a bit more.

The Bailiff:

I think perhaps there should be an opportunity to do that, but that can be before the final speech. It may be it is a point of clarification that I should first discuss, if Members have no objection to that, with the chair of P.P.C., because it is important that I have understood the intent behind this, which I may or may not have done. So, it is a question of doing that.

1.1.8 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

Just very quickly, it is really to join Deputy Bailhache. I agree with Deputy Bailhache's perspective and I personally find it hard to support (c). I just wanted to give one reason, and actually Deputy Gorst referring to his 4.30 a.m. start is really one of the main reasons why I am against (c). Because if you are traveling abroad for reasons outside of (b) or outside of States business, et cetera, one of the things I have noticed is an increase in the number of Members traveling back from somewhere, often the U.K. or somewhere else, and their flight is delayed. So we have been marking people excusé for delayed flights when often, particularly if it is away for just personal reasons, leisure reasons, getting the last flight back on the Monday evening or 6.00, 7.00 a.m. on the morning of the States debate, to me, that is something which puts your presence one time in this Assembly in jeopardy. Therefore, when there is a delay, because often we know there are delays to travel arrangements, personally, I do not see that as a reason to be marked excuse. For me, that is a reason to be marked défaut because the Member who travels back at 7.00 in the morning on the day of debate is taking that risk that the flight may be delayed and that they therefore may not be here. The same with the night before, if there is fog the night before in my view, and I am not saying ... I have done this 100 per cent of the time but in my view it is always best to leave a day between your travel arrangements and the States debate commencing. That is one of the main reasons for me that I do not like (c) because for me: "Did you know that the plane would be delayed?" "No." Therefore it is unforeseen. But could you have foresaw that there was the possibility the plane could be delayed? Absolutely. If you live in Jersey you very well know that the plane could be delayed. From my perspective (c) is not something I feel comfortable with because I think then we will see ... it encourages Members, I believe, to make those travel arrangements which are cutting it fine, which

do jeopardise their ability to be in the Assembly at 9.30 in the morning. That was really my only intervention.

1.1.9 Connétable M. O'D. Troy of St. Clement:

Due to unforeseen circumstances, I have managed to make good use of the Teams channel for reasons that the Assembly is aware. What is foreseeable is that I will need to use those facilities for as long as I am able and I thank the Greffe here for sometimes letting me into the channel, sometimes at short notice. I am quite happy with (a) and (b), but for (c) I think it is fairly innocuous. What we are actually saying to ourselves is we are a bunch of naughty boys and ladies. We are going to take advantage. We are at the top of the tree in Jersey's establishment and our public think we should do better than that, and I do not see why we should be anticipating that we are going to take advantage of paragraph (c). Unforeseen circumstances can be comfortably developed and ruled on by the combination of the Bailiff, the Greffiers and P.P.C. So I will be voting for all 3.

The Bailiff:

Leaving aside the questions that Deputy Gardiner wishes to ... the clarifications she wishes to get, does any other Member wish to speak on the proposition?

1.1.10 Deputy S.M. Ahier of St. Helier North:

I am absolutely in favour of part (a) and part (b), but I do have some difficulties voting for part (c). A number of Members have mentioned their concerns and I have an additional concern to add, which revolves around Members on States business. In appendix 2 on page 50, in reference to the previous debate on P.63 it says: "The provisions of P.63/2022 only sought to allow participation from outside the Island in unforeseen circumstances. Absence on States business does not fall within that definition and has not been included in the reasons that would allow a Member to participate remotely from outside Jersey." This is reiterated again in appendix 3 under remote participation while outside Jersey where it states: "Members can be marked absent for roll call due to being absent from Jersey on States business. Standing Order 55A(2A) cannot be used by any Members for remote participation on any day when they are outside the Island on States business, including days on which it had been planned for them to travel." So you could easily have a scenario where a Member is on States business in London and all planes are ceased due to a storm or such like and they would not be able to join remotely, yet somebody who was on a beach in Florida and had the same difficulty getting back to London would be allowed because they were not on States business and, therefore, I believe this to be totally inequitable and I cannot support part (c).

1.1.11 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

A quick couple of points. I have mulled this over and am minded to support all 3, although slightly uncomfortable with paragraph (c). But I think we have to rely on ourselves to all behave correctly. I support the Members who have reiterated the importance of being in this Assembly, that is our first duty whenever we can. Deputy Doublet in her speech referenced hearing some interesting conversations, and participating, in the coffee room. That is part of being here, the debates do not just go on in this Chamber, we have useful discussions in the ante rooms.

[10:30]

We have discussions where we learn information, we can ask each other questions, we can seek clarification. There is a dynamic there that I think is important in any democracy. You ask any parliamentarian they will say the fact that we all get together is important. I think we all take our oath to do that and I believe most of us, even if we support this proposition, will continue to do that as it is our duty to do so. In relation to the point that Deputy Ahier made, I was slightly comforted by the draft guidance that is a part of the amendment, particularly the paragraph that is at the bottom of page 17 that says: "In looking to participate remotely, Members should expect to be able to take part in the meeting as fully as if they were in or around the Chamber." I was thinking about when

Deputy Gorst and I were in Edinburgh last week, we cannot dip in and out of meetings we are having there to pop in and vote in the Assembly. The same as if you have been delayed in travel, you are having a quick coffee at the airport waiting to board your flight ... I presume the meaning of that is if you are going to participate remotely in a day, you have to have the day to participate in the sitting. That gives me some comfort as to the ambiguity, shall we call it, or the interpretation of some of what is here. I am slightly nervous about paragraph (c). I am not decided. I did say to the chair of P.P.C. I was supportive of the proposition. I think I am but I just wanted to make those brief points.

1.1.12 Deputy P.F.C. Ozouf:

I want to absolutely support what is, I think, an almost balanced and perfect approach to participate in States Assembly meetings. I absolutely believe the importance of attending in person in this Assembly and I also recognise that there are valid reasons why Members may, for good reason, want to participate but need to do it remotely. A modern and inclusive Assembly must accommodate, in a modern democracy, circumstances that sometimes can be foreseen, sometimes are exceptional, but are necessary and are fair. Physical presence in this Assembly is the cornerstone, as I think Deputy Renouf and Deputy Bailhache and other speakers have said. We are a debating Chamber. You change your mind listening to the facts, and that is really very important. I make that particular observation by saying that I hope that that continues because I have witnessed in the last few weeks ... it is not a negative reflection, it is something that I think can be made more positive. When debates no longer matter, this Assembly no longer matters. When there is a Government majority - and I do not criticise the Government, I have been on the other side of receiving that: "Oh, the Government always gets its way." When the block vote of the Government, plus some, whoever they may be, gets the guaranteed way, I think we lose a lot of the democracy, the debate, and that is, I think, really important. I must say, having been out of this Assembly, unelected, as I stood down in 2018, I thought that this Assembly, watching remotely and during COVID, was an exemplar of digital technology. I think we were the first ... I was not here, you and the rest of the Members that were there present there, were the first, I think, Parliament in the world to go virtual. I remain at the view that Jersey can be a technological superpower. We got the first fibre ubiquitous and we were the first Parliament to get back on track in our financial services industry because our fibre kept on working. We just have to use it well, as the Constable has said. I will let Members into 2 slight things I have not said before. The reason why I knew that we had a problem with fibre is because I was looking after my late father who absolutely insisted on coming to this Assembly right until almost the end of his days. There was another Member that was the Bailiff, and I think everybody remembers when he came here. But I realised that he needed fast internet at home and we did not have it at St. Saviour. Then when I got into the decision of doing it, we got fibre. I think that is great but now we need to use it, and we need to use it better. I think this Assembly can use technology better. But there is no alternative unless there are good reasons for not being here. So I think we can permit remote participation, we can affirm the principle that no Member should be excluded from being able to participate due to certain reasons. There is perhaps in hindsight, and kept in hindsight always, maybe an idea and that is not a bad thing ... I am not going to criticise in any way the P.P.C. for using the word "unforeseen" but I would express the hope in supporting (c) ... because I think if we do not support (c) then we are not going to be able to allow that participation from outside of the Island. This is the first time that it is actually being permitted. I found myself last year having to discharge the role of Minister for External Relations and dealing with a number of challenges. I had a flat in London, I could have committed remotely and I was sorry that I could not. Many people thought that I was completely absent but I was not. I just could not because of that Standing Order. It was exceptional that I could not participate, for reasons that Members will know, because of a very close bereavement. I could have done it and I think there could be reasons. I ask that, if we pass paragraph (c), you take counsel with the P.P.C. and, as other Members have said, that you give the widest possible interpretation of "unforeseen" as possible until this Assembly has the opportunity of maybe clarifying that further. If I may invite you respectfully, Sir, to ... if the Assembly is minded, which

I think they should, I really think that, yes, you should be here, you should be trying to be here, you should try to get back to Jersey, but how many times have I seen Deputy Gorst and Deputy Bailhache trying to get on a flight - and the former Chief Minister when we were working together - to get back to the Island to be here because we would be scolded if we were not. They are exhausting days. It is great work, we love doing it. I happened to see Deputy Gorst yesterday doing it. There should be reasons. It will not be taken advantage of. There is an oversight of Ministerial conduct and there is an oversight of conduct of Members. I think that the president of P.P.C. who kind of discharges the role of, I am going to say, Speaker Assistant or Deputy something but there is something here we have a speaker ... there is controversy about that. I remain firmly of the view we can work with it, we need to have Latimer House principles but we can do it. I think we can take the best of the past and the best of the future and make practical, reasonable, balanced, respectful arrangements in place that respect our traditions and take note of the future things. I want an Assembly that does allow all people that can to participate and sometimes with the brilliant assistance of the Greffe, who I must give a shout out to. Yesterday I was not able to be present because I did not get my suit and could not get here on time but I got a remote participation. That was fantastic. I could participate without getting stressed and discombobulated as I sometimes do. The world changes and we learn more things. I have learned a lot about a lot of people, including myself, in the last few months and I have not been here, I wish I could have been but because of Standing Orders I could not have participated either. That is the odd thing. I conclude by saying I support a hybrid approach that prioritises in-person presence absolutely, this Chamber matters. I hope that our votes continue to matter and that the Government does not think that it has a majority. I say that very respectfully but nicely but this is a debating Chamber. When the facts change, when the debate changes, when you are given information in this Assembly, you change your mind. That must mean that you actually change your mind and listen and participate, and that means the Government does not always get its way. I have been on both sides of it, never had a Budget that was not actually always amended, knew it was going to happen. Democracy matters, speeches matter. I talk too long; I will sit down but I hope people understand exactly what I am trying to say in my Philip Ozouf, Deputy of St. Saviour way, and I urge colleagues to support this proposal and contribute to shaping the Assembly that works for us now and into the future.

1.1.13 Deputy R.S. Kovacs of St. Saviour:

I did not come necessarily prepared to speak. My view as well was that part (c) and the unforeseen part of it could lead to abuse at some point. But listening to all the points raised in the debate and thinking that what could be, even in my personal circumstances, made me change my mind. We have to remember that besides being States Members, we are human. I would refer to the Leadership Jersey Annual Survey that was issued highlighting that in the last few years, the top 2 priorities for all employees' questions was work-life balance and flexible working, and aiming for an organisation with values that align with my own. We have to think that the modern days require modern adaptation of working. This is a tough job. Whether the public or Members see it that way or not, it is a tough job. I agree we have to make all efforts to be present as much as possible, in reasonable conditions, in the Assembly to participate in the democratic process that we took an oath for, but sometimes this is just not possible. I want to refer to what Deputy Alves said as well, which could apply to paragraph (c). We have different nationalities in this Assembly as well who have family members abroad. It does not necessarily have to be a deep illness that requires my parents, for example, in Romania to need me next to them but it could be different other very urgent circumstances that I will need to be next to them. At the same time there could be a very passionate subject in the Assembly that I care about and I want to be able to contribute to. I do not feel it would be fair for me to have to choose to be next to my parents in their deepest needs or to participate in the Assembly. Members would probably agree that in no matter what circumstance I was one of the most present, either in the Assembly or in committees, even dragging my children with me in meetings, which is not fair on them either. If we have the possibility where there is flexibility in that way of participating, while

caring for children it is already covered there will be different circumstances that Deputy Jeune mentioned yesterday like the States days that are planned ahead. We also have to remember we are going to vote on principles and you made it very clear that you will also be issuing guidance on what those principles should look like. If we think that some would abuse these flexibilities that we would allow, then I do not feel this is fair, because some would do wrong, to penalise the ones that for very reasonable circumstances will not be able to be here. After all, it is still us on the floor of the Assembly that will decide and tax those reasonable conditions when they are coming to us to approve it or not, or for yourself, again, to rule on the guidance that it is reasonably seen as such. This is not to say to take the opposite approach that if someone, due to illness, is away and can participate, has to participate.

[10:45]

Also what I want to say, health is health. Either being physical or mental. Although we do make efforts to the best of our ability, even when we do not feel very well, to be here and we can be present in the Assembly, for our own health and well-being, it could be much easier and speedier recovery to be home and participating online. What I want to say as well, we live in a modern society, we want to be inclusive, we want people to also show flexibility with their employees and allow them to work to the best of their ability in the best way. We can do that by either being present in the Chamber or participating remotely. I truly believe that the abuse that we are all worried about can also be stated in guidance - to have abuse avoidance guidance - from the P.P.C. and again the Assembly can decide and approve it or not approve it on those circumstances. I urge you to vote on all parts.

The Bailiff:

Does any other Member wish to speak on this proposition? If no other Member wishes to speak, then I close that part of the debate. Deputy Gardiner, there were a number of questions but first I think I should make an observation about what might have been taken as a ruling that I made earlier. In response to a question posed by Deputy Howell, I gave an indication of my initial view on the interpretation of part (b) of the proposition, the one relating to health. Now, it seems to me that there is a longstanding convention that people cannot participate from outside of the Island in connection with States proceedings. Clearly, part (c) would be a derogation from that longstanding convention but part (b) does not expressly mention participation from outside of the Island and I would not have liked my initial interpretation of the wording to be taken as a clear ruling to that effect when I have not had the opportunity of discussing the matter with the chair of P.P.C. or, indeed, to confer on it. It is no small thing to override by an ad hoc ruling a longstanding convention and therefore I do not do so. So my ruling to the extent it suggested that medical reasons would enable participation from outside of the Island, simply because there were medical reasons, should not be taken as a derogation from the ruling or a ruling to that effect. I am sorry if I have confused Members in any way by saying that, but on further reflection there is a longstanding convention which I should not overrule without mature reflection.

Deputy P.F.C. Ozouf:

May I just seek a point of clarification on that ruling, Sir? So effectively what you are saying is that you are neither saying yes or no, but you are not saying no.

The Bailiff:

I am not saying no. Again, what I am saying is there is a convention which I am not overruling at this point, but it is open, it seems to me, for that convention to be overruled either by the express wording, which does not, as it happens, appear in paragraph (c), or by a collaboration and discussion between all Members through P.P.C.

Deputy P.F.C. Ozouf:

Providing information is provided and you have appropriate conversations, that could be envisaged under the current wording that we are doing?

The Bailiff:

It could be envisaged in forthcoming guidance, but I would require clarification.

Deputy P.F.C. Ozouf:

Thank you. I just wanted that positive ... it is not nugatory.

The Bailiff:

No, it is neutral. I have not overruled it at this point, that is all I am saying. Deputy Gardiner, do you have any questions that you wish for clarification?

Deputy I. Gardiner:

One of the questions has definitely been answered that part (c) might allow it but part (b) it depends, and I would like clarification in the closing speech from the chair of P.P.C. if medical conditions outside of the Islands would be included in part (b)?

The Bailiff:

You can ask me.

Deputy I. Gardiner:

Sorry, apologies, Sir.

The Bailiff:

But you cannot make a second speech.

Deputy I. Gardiner.

Okay, apologies. First, I would like to understand if part (a) is accepted, does it mean that parental responsibilities, not on health reasons, will stop being valid reasons to participate remotely?

The Bailiff:

The position is that if part (a) is adopted and neither of the other parts are adopted, then all of the current arrangements come to an end unless, in my view, we cannot achieve a quorum or there is an emergency, which are the 2 things that are carved out from that. But other than that, all the remote participation possibilities end if only part (a) is adopted and not parts (b) or (c). Do you have another question, Deputy Gardiner?

Deputy I. Gardiner:

Yes, thank you. That is helpful. If part (a) is rejected, can part (b) and (c) be adopted as standalone paragraphs?

The Bailiff:

The answer is no, I do not think it does automatically fall away.

Deputy I. Gardiner:

Just for clarity, if part (a) is rejected, we still can vote on part (b) and separately on part (c), they are 2 separate parts, is that correct?

The Bailiff:

(b) and (c) are separate parts and they can be voted on separately, yes. That would be my understanding. I hear consternation, but perhaps there is not.

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

Sorry, can I just clarify that then? What would be the point of having (b) if you have rejected part (a), which allows for everything? If you then adopted part (b), what would be the effect of that? I understand the effect of (c).

The Bailiff:

The effect would effectively be clarification and a particular sub-part of the rule, I think. But what I may need to do, I am afraid, is to adjourn for a few moments so that I can reflect upon this because clearly the Assembly is concerned about the interplay between these paragraphs and it is important that I am able to clarify that for the Assembly. So it may be necessary to stop but was there an additional matter?

Deputy I.J. Gorst:

Yes, if I may, Sir. Perhaps I could ask you this. I appreciate your clarification in regard to a ruling maintaining the status quo in regard to off-Island participation potentially under (b) from a health perspective and I know you need time to consider that and you may not do that in the recess now; of course it will take longer. But I would also ask you that ... part (c) I do not think actually allows for what some Members were asking for. If we vote for part (c) that would be for health treatment in the U.K. because it would not be seen to be unforeseen. Once somebody has been diagnosed with a condition, then you have to take the treatment. It may not be for today, but some form of clarification would be very useful. Which of those 2 paragraphs would those health treatment conditions be covered in the advice that you might ... sorry, the guidance that that he would give in due course?

Deputy P.F.C. Ozouf:

This is designed to be helpful. This seems a bit like Groundhog Day yesterday. In your conversations while we adjourn, it might be helpful to give guidance as to whether or not you think, in your judgment, that matters that have been raised by Members may be quickly resolved or not. We sit again in January, that is the next time we are sitting, and of course we are able to lodge alternative propositions pending review and we could agree for those revised slight amendments to Standing Orders to be considered at the first Assembly if we had a week's notice or so dealing with those matters. That might be a pragmatic solution. I do not want to reference back, put it in Scrutiny, move ahead, I will sit down.

The Bailiff:

Thank you very much indeed.

Deputy R.J. Ward:

Can I just confirm something? At the risk of the ire of the Assembly, the reference back has occurred to me and looking at Standing Order 80, I think it is (6) or (3), it does describe it perfectly. So can I just ask, if there is a reference back, we maintain the status quo as it is now in the meantime?

The Bailiff:

Yes.

Deputy R.J. Ward:

Just to absolutely confirm that.

The Bailiff:

You are looking at 80(3)?

Deputy R.J. Ward:

I am not proposing it now, I just want to see if the impact, if that was proposed and agreed, would be to maintain the status quo as we have it now until we come back with something. I think it would. I am pretty certain, but I think certainty is quite important during this debate.

The Bailiff:

Very well, the short answer is nothing will have been passed. If nothing will have been passed, the status quo ante will continue if there is a reference back.

1.2 Amendment to Standing Orders - remote participation in States Meetings (P.63/2024) - reference back

1.2.1 Deputy M. Tadier:

Sir, looking at 83(1)(b), I think there are grounds for a reference back on this. I think there are many ambiguities which have been raised in the Assembly. I can see both heads in hands and also nodding going on, so I would like to propose a reference back because it seems to me that there is a lot of support for some of the principles of this on all parts, (a), (b), and (c), but there is so many unknowns here that I think we need to be ... P.P.C. need to come back and consult specifically with Members and give tangible examples of what should be in. So to clarify. For example, one of the ambiguities is something that Deputy Ahier raised about who can and who cannot participate off-Island on States business and the exact circumstances. I would like to vote for all of this but I do fear, I think like many Members, that we might be binding our hands and what we have in front of us is too ambiguous.

Deputy P.F.C. Ozouf:

Can I propose the adjournment? No, to allow you to adjourn for 15 minutes. Can I proposed the adjournment to allow you to take counsel, Sir?

Deputy M. Tadier:

Well I think my proposition was made first.

The Bailiff:

Sorry. The position is you have made a proposition for a reference back. Is that seconded? **[Seconded]** That is now the issue that is before the Assembly. We cannot adjourn at this point without deciding upon the question of the reference back. Now the position is that I should seek to ascertain what further information or ambiguity or inconsistency is required. My understanding of what is being asked for is clarification relating to the ambit of both (b) and (c) ... perhaps the letters of the alphabet would be good. No, the clarification of the ambit of that and how voting for one and not for the others in various permutations and combinations would affect the outcome and what would then be binding upon the Assembly. Have I correctly identified the further information that is required?

Deputy M. Tadier:

I think those are points other Members have raised and I think that would be helpful, but I think it is really to give more definition to things like unforeseen, to the circumstances in which you will be allowed to vote and participate if you are off-Island and the questions of what constitutes health, et cetera. Is that sufficient?

The Bailiff:

Very well. That is the information that is being sought and the clarification that is sort. The debate now is on whether or not there should be a reference back.

1.2.2 Deputy P.F.C. Ozouf:

I wanted to allow you, as appropriate, to have communications with the Greffier and the chair of P.P.C., to hold some discussions based upon not putting you in a difficult position of having to make

a ruling by the Chair. There is clearly some interpretation that may be required. After due consideration you may decide that the wishes of certain Members cannot be accommodated. That is not discriminatory, that is your guidance and I would not propose a reference back, rather to respectfully say we should not have a reference back because we have not heard your conclusions after you have had a moment of reflection with the president of P.P.C. We can do that, we can move fast and we can do things properly. That would be my preferred way of doing it. Because leaving matters as they are would definitely not be entirely satisfactory when we have almost something that is subject to good interpretation and possibly some further tweaking can be done *sur-le-champ*.

The Bailiff:

Deputy, it is really not for me to speak to that. You have made a speech, as you are perfectly entitled to, and there were others who I will call upon.

[11:00]

But any conversations that I might have can simply give rise to an interpretation of things as they currently stand. I am not sure ... and if they come up with answers that people do not like, there may still need to be an argument about a reference back. I am not, of course, expressing a view one way or the other, but I do not know what the outcome of my discussions would be?

Deputy P.F.C. Ozouf:

I have got no evidence of the future, Sir, on what your deliberations will be and that is what I am trying to say.

1.2.3 Deputy J. Renouf:

I am not convinced by the arguments for a reference back. I think there are dangers here for us. I think people talk about us talking about ourselves. We have spent several hours on this and the points of clarification that seem to me to be ones that can be sorted out by some focused guidance from yourself, Sir, in the Chair to interpret those clauses. If Members are not convinced by that, they can vote against these proposals and the status quo prevails. I think really we should be reaching a conclusion here. We are in danger of slightly falling into ridicule here. It looks like we have not properly done our homework in terms of reading the proposition. If there are ambiguities in terms of meaning, I think they can usefully be clarified by yourself following some good questions and good points made, for example, by Deputy Gorst. I would like to see this conclude today because all the options remain open to us. The conservative option is to vote down all the propositions, all the clauses and if Members are really unsure about what they want to do, that is what they should do because that returns us to the status quo. Separate propositions can then be brought forward. I would also say that many of the other points that have been raised are points that will be clarified through guidance, as is made clear in the proposition, that those issues can be sorted out by detailed guidance provided by yourself through consultation with the P.P.C. and no doubt with all Members.

1.2.4 Deputy R.J. Ward:

I have to say, I think we have to be careful here. I understand we have spent some time, but we have to make correct decisions in this Assembly. This is very important. There is another thing to be pointed out here: the reason we are where we are with this proposition in the first place is because there seems to be a general acceptance that the current situation is not adequate so some changes need to be made. By simply voting against all of this and keeping the status quo it will be at least, I believe, 6 months before a proposition on this could come back to the Assembly again so there would be a huge period where we have agreed it seems, tacitly, that this current situation is not particularly adequate so we need to move forward. The problem we have at the moment is that there is definite ambiguity in the interpretation of where we are. I was quite happy to vote for (a) and (b) but not (c), if (b) included off-Island treatment which you cannot control, because that is what we do, we have a relationship with the U.K. I was quite happy with those 2, but because there is ambiguity around

that, now I am unsure. I cannot be representing appropriately if I am unsure on what I am voting and it may be inconvenient, it may not look nice, I get that, I absolutely accept that but we have to stand up and say we are going to make the correct decisions in this Assembly. A reference back could be brought back quickly, because we have that period now until January. I believe that the outcomes could be made. I do not know if a reference back can also include any amendments to the proposition being lodged by P.P.C. to make some sort of clarity. For example, in part (c) if there was an amendment that said “unforeseen circumstances or for defined medical care off-Island” that would, I think, solve the problem for a lot of people in (b), for example. I think we have an agreement, we are in a terrible position of coming to an agreement across the Assembly for once. We want people to access the Assembly, we do not want health concerns to get in the way and we want people, in the reality of the world, to be able to access healthcare somewhere because we do not want to be excluded. I think there was uncertainty in some of the speeches yesterday - this is not criticism, it is an observation - where people are saying you must vote for this because people have children and childcare duties. (b) does not deal with that. That is the issue and we need some real clarity in what we are doing because I do not want to see people excluded because of childcare as well. It is 2024, we need to move forward. I think a reference back is exactly the right thing to do to get that clarity, bring it back within one sitting, have the clarity, know what we are doing with this, then we can move on. Otherwise, we will do nothing, because I am not sure I can vote for any of this now. Then it would be 6 months at least before anything comes back. I say to Members, I understand what you mean, but that is a massive waste of time if we do that, because we have not moved forward at all. So I would urge a reference back, clarity, perhaps a States Members briefing on what is coming forward, because I think a lot of this debate should have been done in the States Members briefing beforehand, and I understand the difficulties of arranging those. Honestly I do. It is really not a criticism of P.P.C. or anybody, just saying how is the best way to come to a resolution of this. So that would be why I would say reference back for, if you like, the recommendations of the way we could move forward here.

1.2.5 Deputy K.F. Morel:

To me the request for clarifications that we have underway at the moment are evidence of the need for reference back. It is nothing else but that. I had read this in advance of this Assembly and I had interpreted it in a very different way to clearly many other Members of this Assembly and indeed yourself, Sir. From my perspective ... and I believe most other Members of the Assembly would have read this beforehand, and many Members of this Assembly are probably sitting here thinking: “Well, I did not interpret it like that. I interpreted it like this.” It is the very fact that we are asking for so many clarifications that I think actually the tidiest way to deal with this, and the least embarrassing way for the Assembly to deal with this, is to ask P.P.C. ... is to refer it back to P.P.C. and ask them to go off and do that work, which will enable those clarifications to be made evident through the actual report and proposition themselves. I am fully supportive and agree with Deputy Ward. A reference back is, in my view, the best way forward because we are asking for so many clarifications.

1.2.6 Deputy G.P. Southern of St. Helier Central:

Yes to a reference back. That is exactly what a reference back is for, to gain more information and proper interpretation of what we are passing. It is absolutely vital that we reference it back, I think, because all we have done is give the Bailiff a say in what guidelines should be in place. I have just heard the Bailiff say: “I think I need to talk to P.P.C. about what my guidelines are going to be.” It seems to me perfectly obvious, the reference back is the way forward. We can do it in short notice, we can do it and we can do it better than we are doing at the moment. Because at the moment we have painted ourselves into a corner.

1.2.7 Deputy A. Howell:

I just want to say thank you so much to P.P.C. for all their work and I agree with what Deputy Southern said and Deputy Ward, it is not just about child care, it is also about care for elderly parents and relatives.

1.2.8 Deputy I. Gardiner:

I know that P.P.C. spent a lot of time and consulted but maybe we need to do a bit more of that. Now there is a list and one of the items that I would like to add to the reference back - it was raised by Deputy Alves and Deputy Kovacs and I would like to echo - there are various reasons why emergencies arise and it is not necessarily health related. When you have family living outside - close family, mothers, brothers and sisters - that might require your attendance for some time in a different country but not necessarily for the health reasons, I would like this to be considered as well.

The Connétable of St. Mary:

Could you please clarify, whether if the reference back is approved that then enables P.P.C. or anyone else to submit an amendment to the proposition?

The Bailiff:

The answer is yes, it does. It may be that there will be ... depending upon dates, there may be an agreement of the Assembly to take it on a truncated period but, yes, an amended proposition can come forward.

1.2.9 Deputy A.F. Curtis of St. Clement:

Like Deputy Gardiner, I would like to add something to the reference back and that is to understand, perhaps from yourself, how parts (1B), where your guidance is given, what recourse Members have to challenge that guidance if the Assembly at large do not agree with what you publish? That is something perhaps that could be clarified in league with you and P.P.C. But given the wide-ranging ambit that this could cover, Members may want the safeguard to know that the full procedural flow, as it were, once it is read to be adopted, whether there would be revisions likewise. That would be something I think would be very helpful for Members to know what guardrails will be there.

The Bailiff:

Well, I will not venture into that at this point, given that that will be something to be dealt with when and if the matter returns. Does any other Member wish to speak on the matter of the reference back? If no other Member wishes to speak, I close the debate. Deputy Tadier, did you wish to ...

1.2.10 Deputy M. Tadier:

Yes. Just to respond first of all to Deputy Renouf. I share the frustration, but what I would say is that this debate has been a useful debate. We have actually thrashed out the issues. From where I am sitting it sounds like we were all in fervent agreement that we want some fairness here and we want to allow people to ... we accept that people are human, that we have lots of calls on our time and it is right that sometimes we cannot be in the Assembly and that we should be able to participate somehow. But we need to put more meat on the bone and I think the reference back will be an opportunity for P.P.C. to listen to the transcript of this debate ... not listen to the transcript but listen to the audio, watch the video, read the transcript, ascertain what the actual facts are and what Members would support. I do not want any Member saying to me, and I do not want to be that Member saying: "I would not have voted for this if I had have known this was going to happen, if I knew that paragraph (b) and (c) would be interpreted in that way." I know that already some of our constituents have some disquiet and I would not want our constituents to ask us: "Why did you vote for that?" and for me to have to say: "Because I did not know that is what it would mean." So I think that this is absolutely a relevant part where we should be using the reference back correctly. There is clearly some guidance that does need to be issued and respectfully I will say I think the guidance needs to be issued first, not for us to agree to this and then say go away and issue some guidance. I

think the cart has been put before the horse in that respect. I think what comes back, whether that is in 2 months or in 3 months, will actually be a much better proposition, which we all know where we are and hopefully which we can all support, if not unanimously, then by an overwhelming majority. I do maintain the reference back.

The Bailiff:

Do you call for the appel? The appel is called for. I invite Members not present in the Assembly to return have their seats. The vote is on whether this matter should be referred back to P.P.C. for further clarification and an amendment, if necessary. I ask the Greffier to open the voting. If Members have the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition for a reference back has been adopted.

| POUR: 28 | | CONTRE: 11 | | ABSTAIN: 3 |
|-----------------------------|--|---------------------------|--|--------------------------|
| Connétable of St. Helier | | Connétable of St. Clement | | Connétable of St. Martin |
| Connétable of St. Lawrence | | Connétable of St. Ouen | | Deputy L.M.C. Doublet |
| Connétable of St. Brelade | | Connétable of St. Saviour | | Deputy R.S. Kovacs |
| Connétable of St. Peter | | Deputy S.M. Ahier | | |
| Connétable of St. John | | Deputy I.J. Gorst | | |
| Connétable of Grouville | | Deputy L.J. Farnham | | |
| Connétable of St. Mary | | Deputy K.L. Moore | | |
| Deputy G.P. Southern | | Deputy P.F.C. Ozouf | | |
| Deputy C.F. Labey | | Deputy J. Renouf | | |
| Deputy M. Tadier | | Deputy K.M. Wilson | | |
| Deputy K.F. Morel | | Deputy M.B. Andrews | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy A.F. Curtis | | | | |

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|----------------|--|--|--|--|
| Deputy B. Ward | | | | |
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2. Public Elections: Extension of eligibility criteria (P.65/2021)

The Bailiff:

The next item of Public Business is the Public Elections: Extension of eligibility criteria, P.65, lodged by Deputy Tadier. The main responder is the chair of the Privileges and Procedures Committee. There is an amendment lodged by Deputy Scott. Do you accept the amendment, Deputy Tadier?

Deputy M.R. Scott:

I have withdrawn the amendment.

The Bailiff:

The amendment you have withdrawn?

Deputy M.R. Scott:

Yes.

The Bailiff:

Very well. Well, there is no amendment lodged by Deputy Scott. So I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) that the requirement that Constables and Deputies must be British citizens should be removed; and (b) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes in time for the 2026 elections.

Deputy M. Tadier:

Just letting my colleague out there.

The Bailiff:

Yes. Clearly not a reflection on what is to come.

2.1 Deputy M. Tadier:

Yesterday and today, I think ... well yesterday we had a lot of talk about us needing to be a more representative Assembly and the fact that in many ways I think we have become a much more reflective and representative Assembly of the wider community that we represent.

[11:15]

Just to outline very quickly what this is, in some ways this proposition is very simple and I think one of my colleagues said it almost seems too simple; is there a catch? I do not think there is a catch. It is not the first time I have moved this but it is the first time that new Members will have maybe been able to consider what I always hope is an interesting proposition. The first thing to say is that I accept that it will stir in some people some very deep and visceral feelings. There are people who seem to support this staunchly and others who oppose it staunchly. What it is essentially is that there is currently a requirement under our election law which says that in order to be elected to this place - in order not just to be elected but in order to even be a candidate to get to the point of election - that you have to be part of a niche club - I would call it but that is probably being slightly colourful at the beginning - that you have to be a British citizen. We make no distinction about how you get that status as a British citizen. It could be that you are born in Jersey, it could be that you are born in

another part of the British Isles, it could be that you are born in a British Territory and have acquired British status by that virtue. What it does mean is that, of course, if you do not have British nationality you cannot stand for election. That does not have to be the case. It is a choice that has been made at some point and it is not a choice that is made in our sister island of Guernsey, which is probably the most comparable jurisdiction that we have. They have a Bailiff like you, Sir, they have a Deputy Bailiff who also presides ... I was going to say in their Assembly but they do not have an Assembly but when they do sit it is the Bailiff or the Deputy Bailiff who presides. They are also under Norman customary law and they have a very similar system to ours. We know that both the similarities and the differences are something that we celebrate in between the 2 islands. Of course, this is not an appropriate time to mention either the Muratti or the ferry service, so I will not be doing either of those 2 things. But from my perspective, I think the Guernsey model have got it right when it comes to this very narrow Article that they do not have in their law, which they just simply do not have something which says you have to be a British citizen. What does that mean? Does that mean that the system of democracy in Guernsey is somehow inferior to ours? Does it mean that the public is somehow at a disservice compared to us? No, it does not. Ultimately their elections work in the same ways that ours do. They have a slightly different model but ultimately if somebody wants to be a candidate and they think that they have something to offer to their Island community, like in Jersey, they put themselves forward and ultimately it is the public of those Islands that decide who gets to stand for election. The difference is, of course, if you are a Portuguese, a Polish, a Romanian, a French - and we can go on - a Kenyan, Ugandan citizen who lives in Guernsey who does not have British nationality, you can still put yourself forward, and it is the people of Guernsey who will choose whether you want to do that, whether they want you to be a candidate. In Jersey, we do not have that option. So a Portuguese person who is non-British can go over to Guernsey to stand for election, but a Guernsey person who is of Portuguese heritage, not British, who comes Jersey, they cannot stand for election. I am anticipating there already some of the arguments about reciprocity, which I will come back to. But let us bring this back to a very simple stage, because this is not about making us like Guernsey, it is actually about saying what could Jersey be like if we wanted to be? I am just really pre-empting the argument: is there anywhere else in the world that does this? Yes, there is, and it is very close to us, even if they seem a million miles away sometimes. We had a statement earlier, I think from Philip Ozouf ... Deputy Philip Ozouf as he called himself, but Deputy Ozouf as I will call him, who said I want an Assembly that wants all people to participate. I want an Assembly where all people can feel that they can participate. I do want that as well. I do not just want that for elected Members, I want that for anyone in our community who thinks that they have got something to offer. Somebody who meets all of the other criteria. If they are 18 years old and they have lived in Jersey the requisite amount of time. It should not really matter whether somebody has moved here from Scotland, from Liverpool, from Yorkshire, from the Falkland Islands, from St. Helena or Northern Ireland, or whether they come from St. Ouen or Les Quennevais or La Moye or any of the other vingtaines or cueillettes that exist throughout the Island. If you are in St. Ouen, it is a cueillette, of course, or whether you are from France and Portugal, because there is a continuum here. If I can transport us back, and if you will allow me to be slightly metaphysical for a moment, if we imagine that we are in a time machine and we come back to Jersey 100 years ago and we are sitting in this Assembly, 100 years ago, we would have been also debating a proposition around election criteria and eligibility. Previous to 100 years ago it would have been about who could vote and then there would have been votes and debates about who could stand for election. But of course, as I look around the Assembly, first of all, none of you women would be here, if I can say that through the Chair, because women were not allowed to stand for election and of course some upstarts suggested that women should actually first of all have the vote, which I think they got in Jersey in 1919. But, of course, there is a caveat to that, it was not all women, it was women who actually had to be judged on the status of their husbands. Then, of course, when poor Caroline Trachy tried to stand for election, I think it was in 1923, she could not stand for election and even when women were allowed to stand for election it was only subject to them having the right marital status. It was

determined to whether they owned properties, for example, and what the status of their husband was, I think I am correct in saying. Of course the arguments would have come forward: "Well, we are no different to anywhere else. Lots of countries do not allow women to stand for election. Lots of countries do not allow women to have the vote." Go back a bit further and of course it was working-class and middle-class men who also did not have the vote, who did not have the right to stand for election. Politics was only for the right type of people. It was about people who were already aristocrats. If there were nominal elections they were largely done deals and it certainly was not for the public to have a say in what took place. So I want to bring this back to values here. Do we judge somebody's value based on where they come from? I do not. I do not generally in my interactions with people ask to see a passport and I think certainly in most jobs that you do ... and I know this is not a typical job but it is still an honour and a privilege and it is a job because we all do lots of work within this job in various different forms. I do not think we judge people on where they come from but we do also value the fact that people do come from different places not just physically but metaphorically speaking. Now another question which you might also have your own answer to, can you be a Jersey person if you are not British? It is a simple question: can you be a Jersey person if you are not born in Jersey? Are you a Jerseyman or a Jersey woman if you are not born here in the Island? It is a question which may speak to the piece of Island identity work that the Minister behind me, Deputy Labey, is doing. I think the answer to that is clearly yes. I think it has to be. We are not defined simply by where we are born but we are defined by our attachment to the place we live in. A number of years ago, and I think it might have been during the first election, I remember knocking on the door and I was a sprightly 29 year-old ... and I noticed looking in the mirror the other day not only have I got white hairs but I have actually got a white eyelash so I am not sure quite what that means but I will take it as ominous sign that it might be a lucky eyelash today. I knocked on a door and I talked to a lady, and I could not quite ... I do not think there was any irony in it and somehow the conversation got around to identity, where are you from, et cetera. Not from me, incidentally. She said: "Oh, I am not really a Jersey person. I am not a true bean because I have only been here for 50 years." I said: "Well, I have only been here for 29 years, so you are more of a bean than I am and I think we could actually call you a *crapaud*, Madam." So I do not know whether she was ... I do not know whether there was any irony in what she said, because I think there are so many people in Jersey who feel that Jersey is not for them. How many times on the doorstep do we have to tell people, and the Greffier has to put out information at election time, that they can vote, because you only need to be here 2 years to be able to register to vote and to cast your vote. The other question I would ask is: should we be treating one part of our community different from another part of our community? Now, I recently read an interesting obituary in the *Jersey Evening Post*, which was written by former Greffier, Michael de la Haye, who from time to time writes very good articles. I could see the way it was written and I suspected it was him. Sure enough, it had M.D.L.H. at the end of it. It was about a former Member who some of you will remember as Deputy Jerry Dorey, who sadly passed away recently. He left a legacy because it was somebody who I would say was quite an interesting character from what I could see from the outside. I was only observing politics as a young person back then but he seemed both quite conservative in some ways but he clearly had a motivation to make Jersey and certainly to make Government and this Assembly a more inclusive place. One of the things he did, because he had been involved with the Jersey Rights Group, I think it was in 1994, there were a number of moves that came forward from within the Assembly to try and make election eligibility ... sorry, yes, election ability for those who could vote, to widen it. It was the case up until 1994 that if you were somebody who had lived in Jersey, for example 30 or 40 years, and you were Portuguese or Polish or French ... I certainly remember that is the case for one of my uncles who was married to my Dad's sister. He had lived here 30 years at that point, could not vote so he paid his taxes in Jersey, he followed what went on in the Island. Jersey was his home, France was no longer his home but he was not participated to even cast a vote at that point. I would go back to the point that there is a link between voting and actually putting yourself forward for election. The 2 are a lynch really. There has to be a historical continuum that - I think we are on that line of

continuum - where the next logical step, not just because it is something that we have to do but I think because it makes sense, I have not heard any arguments against it, is that we should be allowing anyone in our community who has been here the requisite amount of time to put themselves forward. What is the worst thing that can happen? I have heard some remarkable suggestions in previous debates and this Assembly, I think, is a bit more open-minded than previous Assemblies and actually we welcome that diversity. I have heard suggestions that we could all be taken over by Russians, for example, or by the Chinese. That may well be the case but what they have to do is that they have to get through a test, and it is called the electorate. I think the electorate is ultimately where the democratic safeguard lies. It does not matter whether you are a member of a party, whether you are an independent, ultimately I hope whether you are not British or you are British, that the public will not be interested in any of those things but they will actually say to you: "What have you got that you can bring to the job? What are your qualities? What will you do for this community and what will you do for me and my family? Those are the kind of things that I want to know in what you will bring to the table as a candidate." If it so happens that you might bring some other qualities, you have lived somewhere else, you are multilingual, you have seen other ways and you have got experience of doing things which differ to the way we have done things traditionally here then I would also be willing to hear that but ultimately that test is there. The reason I am pleased that the amendment is being withdrawn is because this idea of test is quite crucial. To have had one test where you have to pass a test in order to do another test which is the election, I think, would have been a nonsense and the idea is that if you have got something to bring to the table that you can put it to the electorate. That is the ultimate safeguard. It does not matter whether you are standing for Constable, I would suggest, or standing for a Deputy, the amount of scrutiny that person will receive both from the media, from other candidates and from the electorate should be sufficient to ensure that those that get elected to this Assembly in the future - whoever they are and it may not be us, of course - have a sure enough mandate and that mandate does not need to be a piece of paper which says that you have X or Y nationality. I do not think there is any more to add. If I did, I would simply say that in writing the report there are clear precedents, so I will say this as a final part because I think it is important. There were also changes made in the late 1990s and into the 2000s, for example, about who could serve in - now - His Majesty's police force, I think, or the States of Jersey Police, as we would otherwise call it in Jersey. There is no requirement for somebody to be a British citizen to be a police officer either for the States of Jersey Police or the Honorary Police and I know that in previous debates, some of the Constables mentioned that they have senior honorary officers ... I look at St. Peter, for example, and I know the individual - I do not know whether he is a British citizen or not and frankly it is of no importance to me, but I do know he is of Portuguese origin - and that he does a very good job in that Parish for the people of St. Peter who have elected him. He is elected incidentally as an Honorary Police officer by the people of St. Peter, so if St. Peter can elect - and I am hypothesising here and I think it is the case - a non-British police officer which they can do in every Parish of our Island, they should at least be able to elect Constables that are not British, and if Constables can get elected as being non-British then I think that should also extend, of course, to Deputies. There are precedents, I think, and let me just talk about the idea of reciprocity.

[11:30]

One of the arguments I am sure will come up, hopefully from people who are still open-minded and not just as an excuse as though they cannot go and stand in other countries: "What does Portugal do?" I would say it is up to every country to decide what their election rules are both for voting and also for standing for election. I do not think we would say just because we cannot vote in Portugal necessarily. We cannot vote in Poland or in Romania and I do not know if that is the case necessarily. I think it is the case in some of those. We would not simply say: "Well, just because they will not accept ours, we are not going to accept theirs", because we make rules for our community. We do not make rules for people who do not live in Jersey and so I think the idea of reciprocity is an easily flawed one. I am going to leave the comments there. I look forward to the debate. I hope it will be

a respectful one. As I said at the beginning, I understand this does stir quite emotive issues of some people who are saying simply: "That is the way it is. I am a proud British person", which I also am, but we need to have a more sophisticated argument than just saying: "That is the way it is so that is the way it almost must be." I do maintain the proposition and I welcome the debate.

The Bailiff:

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

2.1.1 Deputy M.R. Scott:

I decided to withdraw my proposed amendment to this proposition after seeking advice from the director of the Jersey Cyber Security Centre. I do not wish States Members time to be wasted - particularly after such a long States sitting already - debating an amendment that does not help address the concerns I have regarding the main proposition, as a States Member with Ministerial responsibility for cyber security. States Members have been invited to attend past briefings by the Jersey Cyber Security Centre. The Centre also has briefed the Economics and International Affairs Panel on its activities of which Deputy Tadier is chair some time before this proposition was lodged. I therefore am surprised at his persistence at bringing this proposition in its current form. Those States Members who have attended those briefings should be aware of the Jersey Cyber Security Centre's relationship with the U.K.'s National Security Agency, the N.C.S.C. (National Cyber Security Centre) of which the J.C.S.C. (Jersey Cyber Security Centre) is our equivalent. Those who have will be aware of concerns relating to security threats emanating from Russia and also that our constitutional relationship with the U.K. has led to the States Assembly approving changes in our Telecommunications Law in response to foreign security threats of a different nature and as an immigrant of partly Chinese origin, I have supported this. I am in favour of inclusivity. However, after researching Deputy Tadier's proposition extensively with the assistance of Greffe officers, my Ministerial responsibility for cyber security led me to seek the advice of the director of the J.C.S.C. and he confirmed there are potential national security implications to consider. Globally, we are in very difficult times, and it could be perceived that the ultimate protection we have is that our elected representatives are not loyal to any foreign power. Operationally, there may be challenges with non-British citizens having access to information that may be necessary to fulfil the role of a Minister. This is a difficult area, not least because it touches on the role of the United Kingdom in our constitution too and in some of the services that it provides to this community. The research I mentioned, and indeed as Deputy Tadier has mentioned, identified only one jurisdiction in the whole world of legislation that appears to enable non-citizens to stand for election beyond citizens of countries with which that jurisdiction has close constitutional ties and that does indeed happen to be Guernsey. Given that Guernsey's enabling legislation restricts a prohibition on convicted criminals standing for election to British citizens only, it clearly is discriminatory in a way that does not appear rational, so I would suggest that the Guernsey legislation does need to be reviewed. Legislation of the Isle of Man allows non-citizens to stand if they have indefinite leave to remain or free passage in the U.K. so that essentially defers to U.K. decision-making in respect of the constitutional ties with the U.K. too. Indeed, there is a security clearance procedure in the U.K., and I wonder if this could be a way forward for a future proposition of a similar nature. Deputy Tadier in his report did not mention the security clearances members of the police may need to satisfy to serve in their role - I do not currently know if that is the same with Honorary Police, and I will perhaps leave it to the Constables to look into that matter - along with their oath which I did mention in the report to my original amendment. There are reasons why some jurisdictions do not allow dual nationality, and we seem to be responding to that but the reasons why they do not allow dual nationality are reasons of national security. I believe this matter highlights the need for all States Members to have cybersecurity in the forefront of our minds and I invite States Members to contact the director of the J.C.S.C. directly if you wish to discuss this matter with him and I would, of course, be happy to discuss the position further with any Member too. I thank Deputy Tadier for helping to educate me

in this matter and I hope he will look more into the security implications too and other ways of addressing potential economic and security barriers to non-citizens standing for election. In the meantime, I urge Members to vote against this proposition on the grounds of its implications for the Island's security.

Deputy L.V. Feltham of St. Helier Central:

I just wanted to ask the previous speaker for point of clarification if I could?

The Bailiff:

Yes. We are now quorate. Yes, you give way for point of clarification, Deputy Scott? Yes, what is your point of clarification, Deputy?

Deputy L.V. Feltham:

During the speech the Deputy was talking about cybersecurity risk due to dual citizenship. I just wanted to check what the suggestion was on that because a number of us are dual citizens in this Assembly now, so I just wanted to get some clarification on that from the speaker about what that risk was.

Deputy M.R. Scott:

I did not say there was a cybersecurity risk from dual nationality. I said that certain countries do not allow dual nationality, and I believe that the reasons are due to interests of national security.

The Bailiff:

That was my recollection of the speech, I have to say, Deputy Feltham.

Deputy M. Tadier:

Could I ask for clarification?

The Bailiff:

Would you give way for further point of clarification?

Deputy M.R. Scott:

Indeed, Sir.

Deputy M. Tadier:

Is the Member able to give any indication of what was said by the J.F.S.C. because at the moment it sounds like an insinuation. The J.C.S.C., sorry, Jersey's Cyber Security Centre, J.C.S.C. She has made an assertion that they have concerns about this proposition. It is the first I have heard about it and if they do, are those comments able to be circulated?

The Bailiff:

Are you able to clarify what the concerns as were communicated to you?

Deputy M.R. Scott:

It is not clear to me if the Deputy has had any conversations with the director of the J.C.S.C. or attended any of the briefings on J.C.S.C. so I am unable to account for him not having heard of these concerns before.

The Bailiff:

That was not what the Deputy was asking. The Deputy was asking what you understand the concerns to be.

Deputy M.R. Scott:

I have disclosed everything that I have been told by the director of the J.C.S.C. in my speech. I cannot provide any more detail.

The Bailiff:

That is a perfectly valid answer. Does any other Member wish to speak on this proposition.

2.1.2 Deputy P.M. Bailhache:

I give full marks to Deputy Tadier for perseverance, doggedness even, but not, I am afraid, for much else. [Laughter] I hope that his proposition will go the way of others that he has brought because there is a really important principle at stake. The principle is not of equality, as he suggests. With all due respects, the story of Caroline Trachy is completely irrelevant. Mrs. Trachy was denied the ability to stand for election because she was a woman and there was nothing she could do about that. That was indeed an injustice but foreign nationals who wish to become Members of the States can do something about it. They can do something about their current ineligibility. They can take up British citizenship, as indeed a few current Members of the Assembly have done, and good for them. Nor is the important principle one of inclusivity or diversity. We have a more diverse Assembly than ever before. Not quite equal in terms of gender but getting there and we have a more inclusive Government - for better or for worse - than we have ever had before. No, the important principle is one of national identity. I think we sometimes get confused about our national identity because it means 2 things. Sometimes we call it Island identity, as Deputy Labey does, and that indeed is an inclusive concept and embraces those of many different nationalities who have made Jersey their home. I am completely with Deputy Tadier on that, and I absolutely agree with everything that he said about the importance of bringing together all those of different nationalities within our community. They are all, as Deputy Tadier states, eligible for jury service and membership of the Honorary and States Police. Not every country does that, but we do and good for us, but these are levels of engagement in the community which are of less significance than membership of our Assembly. Membership of the States involves loyalty to the Sovereign, the King, not to any other King or Queen or President but to King Charles. One of my children spent nearly 30 years of her life in India with her family. She could not even vote in elections for the National Assembly, let alone stand for election. You need to be an Indian to represent India and so it is - apart from Guernsey, as Deputy Tadier tells us - with, as far as I am aware, every other country in the world. You need to be a national of the country to represent its people in the national legislature, so why should we be different? This question goes really to how we regard our Assembly, this States Assembly. In the Prison Board case before the Privy Council in 1891 and years after, Crown counsel described the States of Jersey as a common council, a council for the Island, not a legislature which was entitled to the privileges of a legislature of a colony which was under consideration at that time. Is that how we regard the status of our Assembly? Are we a town council, like the Council of Bognor Regis or Guildford?

[11:45]

I think that we have the status of the House of Commons or the Lok Sabha in India. If that is pride, then I plead guilty. I am intensely proud of our Assembly of which I have been a Member in different capacities for more than half a century. As it is as important a legislature in my view as the legislature of any other Sovereign country, it is a national legislature. It is the only legislature, indeed, to which the citizens of Jersey can elect representatives and, like the national legislatures of every other country, apart from Guernsey, I think its Members should be composed of nationals of the state to which we all belong. I think we should be proud of our citizenship and keep it as a requirement for membership of our Assembly. I think it is as simple as that.

2.1.3 Deputy S.Y. Mézec of St. Helier South:

I am afraid it is not as simple as that because there is a fundamental flaw underpinning everything that Deputy Bailhache just said. He said that this was not about the principles of diversity, equality or inclusion; it was about the principle of national identity and the flaw in his argument is that the nation he refers to is the nation of Great Britain, not Jersey. If there were such a legal concept as Jersey citizenship, this debate would be totally different, and it would make perfect sense that were there a route for requiring Sovereign Jersey citizenship maybe that ought to be a requirement for people then to serve in Jersey's Sovereign legislature, but it is not. It is asking us to have citizenship of a jurisdiction which is not Jersey, that jurisdiction being the United Kingdom, a country which offers citizenship to - I do not know - maybe about 80 million people, not just in the U.K. and Channel Islands, but around the entire world as well. Putting that requirement on candidacy for people running to this Assembly supposes that a whole range of people have a greater loyalty to this place than others who through their lives have demonstrated much greater loyalty to Jersey. The only thing they have not done is acquired a piece of paper confirming themselves to be a citizen of the United Kingdom, many of whom will not have done that for the simple reason that it does not really offer them much in Jersey by way of rights here because of all the other things that we have dispensed of citizenship as a requirement for. When we have this debate, I think of a friend of mine who I went to school with who is a great person. In conversation with her on more than one occasion, I have thought: "This person would make a good politician." This friend moved to Jersey when she was 6 months old. She was born in Madeira. She was educated in Jersey, went to the same school as me, has known no life other than the life she has in Jersey but would not be eligible to run for election here because of the fact that she happened to have been in Madeira rather than Jersey and had only 6 months there before establishing her life here. There is a supposition here that somehow this person is less loyal to Jersey than I am because I happened to be born here and got given British citizenship, which I never asked for, I never applied for. I simply got it as a matter of law because of where my mother happened to be when she gave birth to me and that is it. To be a States Member you have to swear an oath of allegiance. That is what I have done. That is what Members of this Assembly who hold dual nationality - of which there are several - have done as well and that is where those issues of loyalty can rightfully be addressed. I think the questions about loyalty to any foreign power and the cybersecurity concerns raised by Deputy Scott strike me, again, as bizarre and not really relevant to this consideration here. William Joyce was a British citizen, more commonly known as Lord Haw-Haw. Kim Philby was a British citizen. Both of those people were traitors who were not loyal to the country which they had nationality for, and I raise this point because your loyalty to Jersey is not based on what piece of paper you have. It is based on what you feel in your heart, whether you love this place and whether you wish the best for it. I resent the implication - and I resent this as a Jersey-born person with British citizenship - that friends I have who have given just as much to this Island as I have and who care just as much about it as I should have less rights than me because they happen not to possess one piece of paper that I have that I did not even ask for. I just got given it. The absurdity underpinning this is that somebody can come from Pitcairn Island - which is as far away from Jersey as it is possible to be without going into outer space - come to Jersey, lounge around for a few years, offer nothing, do nothing, not work here but within that time period will be eligible to run for election to the Assembly here, yet somebody who moved from Madeira or any other place at 6 months old, knows no other home than this place, speaks English, was educated here, volunteered for all sorts of charities or the Honorary Police or anything else does not have that right. I regard that as discrimination pure and simple. I regard it, frankly, as a foolish restriction on eligibility for election to this Assembly because of the people out there who have talent and passion and drive to make the Island better are excluded from it. It really is not as simple as Deputy Bailhache would suggest that they can do something about it and apply to become British. Firstly, it does not address the question of fairness here which is that many people in Jersey who moved to Jersey and are British citizens acquired their British citizenship outside Jersey. Therefore, it is nothing to do with their connection to Jersey through which they have that citizenship, but it costs money to apply, to go through the test and to get your British citizenship, money which no other candidate would be asked

to spend. That is just unfair to ask them to do it for this one thing when in reality it offers them nothing. It does not demonstrate any loyalty or commitment to the Island to ask them to become a citizen of the United Kingdom in the absence of Jersey citizenship. It simply puts a block in the way for some passionate dedicated Islanders to contribute through our political system to Island life but gives people who have acquired that right through nothing that they have done in Jersey or been connected to Jersey from is discrimination, wrong and unfair. Deputy Bailhache also - I think more than once - made the assertion that there are no other countries apart from Guernsey that do this, and he is wrong. There are lots of countries - or let us say nations rather than countries - that do not strictly say: "You must be a national of this particular country in order to run in our legislature." The United Kingdom does not have a strict: "You must be a British citizen rule", to run for Parliament there. You can be an Irish citizen. You can be a Commonwealth citizen, so you can serve in that Parliament without being a British citizen. The devolved Parliaments of the U.K., you do not have to be a British citizen. I just quickly checked the Welsh Senedd to see what their restrictions are. You can be a European Union citizen and run for the Welsh Senedd. You do not have to be a British citizen and, of course, you cannot be a Welsh citizen because there is no legal concept as well. I regard it as bizarre to say that a requirement to serve your Island through our political system requires you to show your commitment by becoming a citizen of somewhere else. I regard that unpatriotic, to be perfectly frank, and Jersey does not have its own legal concept of citizenship, therefore it is an irrelevant consideration in who would make a good person to represent us in this Parliament. I hope one day in the future we can recognise that contribution made by so many people to our Island who have come from all around the world and adopted Jersey as their home and who feel it in their hearts as much as anyone else that they will be able to run for election rather than prioritising one group of immigrants by virtue that they have come from somewhere where they get British citizenship over another group of immigrants, which is inequitable and unfair.

2.1.4 Deputy B.B. de S.V.M. Porée of St. Helier South:

I would like to contribute to this debate simply because I believe that in the Assembly presently, I am probably the least British person in our Assembly, and I apologise to any of the Members if that is not the case. The reason why I say that is because English is not my first language, as you all know. I was born in a country that was not British by any means, Angola, and in fact, I do not have one nationality; I do not have dual nationality, but I consider myself to be someone who has got 4 different nationalities. But having said that, I have been in Jersey for 35 years, longer than anywhere else I have lived in my life. Like Deputy Mézec says, I have given my life to Jersey so therefore I should be able to contribute to the Island in terms of politics, as I am doing at the moment, and I am very grateful to it. I do disregard other Members' comments about the dual nationality. I think the dual nationality - or even more, like I said I have - can only make you stronger. I did not choose in many ways some of the nationalities I have acquired through my life, but they have been part of my own life experience. On that note, I would like also to say I am very proud to be myself as a person. My identify is a different matter and when it comes to my British identity, it is an identity I acquired. It is a piece of paper that I had to pay for to be considered to be British. It made no difference to my heart or to the way I think but simply is a piece of paper to show that I have passed the test that considers me to be British. I think that is wrong on many levels because my alliance to Jersey, it comes from within. It comes from the time I have spent in the Island and for the efforts I have made and for what I created as a person on this Island. I want for the Island as much as any other person who could have been born here because this is where I have decided to make my life. That is one important point I wanted to make. Another important point I wanted to make is presently, Jersey population is 50 per cent of Jersey-born people. The other 50 per cent are made of British and non-British citizens. We would like an Island to be more inclusive in terms of engagement, in terms of politics, in terms of people feeling that they belong. The other 50 per cent who are non-Jersey born, they can come from anywhere in the Island and settle here in the same way as I have and choose to do the utmost for this Island with the best efforts in their hearts and they should not be put in a

position to be sidelined because of a piece of paper. Then I take myself to my third point. This particular citizenship that we can acquire, those who are not born in Jersey or in Britain, is a very expensive commodity. Deputy Mézec mentioned that. For some people in the community who may be considering becoming politicians that cost is very high indeed. It is over £1,000, I think, coming to £2,000 to be a British citizen. If we want the population of Jersey to feel inclusive and to feel they belong and to vote and to engage with Jersey politics, are we saying: “If you do not have that amount of money, you cannot be part of the Island?” I think it is discouraging people. Having to pay for that extra expense is already going to put a lot of strain on those people in the community who come from low-income backgrounds but nevertheless they have the right and feel that they can do the job of a politician. By having to acquire British citizenship that is highly expensive in my view, not only expensive, people have to pass tests.

[12:00]

I had to pass 2 tests. One in British English history and another one in Jersey history just so I could prove that I was loyal to Jersey, and I could have this citizenship. Without that I would not be here talking to all of you, so I do very much support Deputy Tadier on his proposition and I completely disagree with the 2 other previous speakers in terms of that you need to be national to Jersey to show how much you care for the Island. I would challenge anybody in the Assembly who tells me that they have better value for the Island than I do. All I have and all I am right now is in this Island, okay? All I want is the best for the Island so that the Island can carry on providing for my children once I have gone. British nationality is a deterrent to those who have been here long enough and they feel they have got a lot to contribute, so for that reason I am supporting Deputy Tadier.

2.1.5 Deputy J. Renouf:

I think one of the most interesting things that Deputy Tadier said in his opening speech was: “What is the worst that can happen?” I think Deputy Scott and Deputy Bailhache have attempted to answer that question, one by raising explicit national security concerns and one by raising more general questions of loyalty but I find those arguments very weak. They have been dismantled to a significant extent by Members making points about the grey areas that already exist in this situation. Dual nationality means that we are saying that somebody is a potential threat to national security if they do not have British nationality but not if they have nationality that splits with another country, even though it might be one of these supposedly hostile actors that we fear so much. But the main point I want to make and the only thing really that I feel I have to add to this debate which has not been mentioned so far is around the accessibility of this Assembly, not in the physical sense that we were talking about earlier but in the sense of how we are perceived as an Assembly in this Island. I think we are still perceived as exclusive. We are still perceived as a place where people do not think to themselves: “That place feels like it is for me. That is an open, accessible kind of thing, the kind of thing that I would want to be involved in.” There are all sorts of subtle signifiers that we give out in Island discourse - not just in this Assembly but in Island discourse - around the sense of belonging. What does it mean to belong in Jersey? Deputy Porée has just given us a very passionate exploration of what it means to belong in Jersey from somebody who was not born here and whose heritage is elsewhere. She has dual citizenship and by that she is able to stand but she could equally not have dual citizenship and would we think to ourselves: “Oh dear. That is not right for this Island”? I do not think we should be thinking that. I think these subtle signs of exclusion, this question of: “What is it to belong in Jersey?” is all around us. If we think about the language we use, there is that age-old question of how long do you have to be in Jersey before you are considered to be Jersey? How many years qualify? How many generations qualify to be considered Jersey? I remember being told by a fellow Minister: “Your problem, Jonathan, is you have been away from the Island too long.” Interesting, is it not, these little signifiers of whether you belong or not, whether you have the right to contribute, what level you are allowed to contribute are dependent on your birthplace, on your length of residence, on whether you have gone and got a citizenship or not. I think the real issue here

is the electorate can choose. The electorate is not easily fooled. Maybe they were, maybe they elected me and they were easily fooled, who knows, but in general, I think, the electorate is able to look at candidates and see and they can see whether a candidate is likely to be somebody who does not have their own interests at heart. That is the whole point of the democratic process and, of course, they also have to swear the oath, as Deputy Mézec pointed out. The oath commits them to this Island and to the Crown and we all try and discharge that oath in the best way we can, and we do not sit around thinking ... I hope we do not sit around thinking: "Well, that person is not contributing as much as they could because they were not born in Jersey or they did not live here very long or their family does not have a Jersey name or it is a Jersey name but only a recent Jersey name because it has only recently become a Jersey name." I think those subtle signifiers of belonging are things we should think about very closely or very carefully and we are an international Island. We are a multinational Island. The census shows us to have, I think it is, over 100 nationalities; certainly close to. We are an extraordinarily diverse community. We ask for contributions from those people in terms of taxes. We ask them to contribute to the Island in many different ways and it seems to me that if one of those people who is contributing to the Island wants to put themselves forward, is prepared to swear an oath of loyalty and is prepared to contribute in the way that they can contribute through this Assembly, that we should do that. The ultimate test of whether they are considered able to do that in a way that is appropriate, given their nationality and so on, will be the electorate. I suspect it will not be used very often if this were to pass but I think we should send out that signal that we are open, we accept that this is an Island that depends on immigrants - it always has - and we should celebrate that diversity and lower barriers where we can without threat to national security or to the loyalty to the Crown because those issues are very easily overcome in practice.

2.1.6 Deputy A.F. Curtis:

Deputy Tadier in his opening leveraged the words of Deputy Ozouf from the debate prior, now referenced back. The 4 words I captured were: "Where anyone can participate." But that is still not true after this proposition. There are eligibility requirements for seeking public office regarding how long you have been in Jersey, either cumulatively 5 years or immediately preceding an election 6 months with obviously the small tweaks around that. So, it is not that anyone can participate, and it is not unreasonable to have guidelines - or rules, as I think Deputy Rob Ward prefers - to stipulate what is suitable, what parameters do we work in. We have seen ... and P.P.C., having provided the history, some of us who were not here did tune into the former debate on changes to eligibility criteria. We see a history from the P.P.C. comments as to how the debates around eligibility have gone. Members can read Hansard. So, to me, I approach this with the dangerously open mind that Deputy Tadier wants us to approach it, asking: what is the worst that can happen and is this what we want to happen as well? The question that revolves around mainly in my head is: what is British nationality? What is its core tie to Jersey? What does that deliver to a person versus not having it, and Deputy Mézec gave a very strong case that British nationality has nothing to do with Jersey's identity, was my reading. I look to him for whether I understood that. It is a 50/50 for those who cannot see in the public gallery, and I take that on board. I think that is an interesting position, but we hear from Deputy Bailhache that British nationality is inherently tied to Jersey's identity and that somebody who wants to represent Jersey at its highest level in the legislature inherently should be a British national, and I do not know where to go on this one. I quite liked Deputy Scott's amendment. I am slightly disappointed it was withdrawn because one thing, when Deputy Tadier and I discussed this, and he said: "I hope you are a man who can approach this with an open mind." I said: "There are other ways to do this. If somebody is willing to stand and wants to stand, what about part of standing the commitment is (a) they meet the eligibility criteria to be a British citizen and that once they are elected, should they be elected, they receive British citizenship?" So, in essence it is not a barrier to standing but it is a commitment to the nationality and to the citizenship. I thought Deputy Scott's position was a good movement towards that saying you would be both eligible and you have shown that you would be willing, but you are not predetermining. I think Members could hold views in

their heads or they could stand up and share them, and I want to really understand the wider Assembly's position on what the tie is between what British citizenship is to Jersey's identity. If any other Member has those worst-case scenarios but also that upside, what are the legitimate reasons that somebody feels no association to British citizenship but does inherently in all of their being to Jersey? I think that is what Members should be sharing today so that we can all make an informed consensus-based decision.

2.1.7 Deputy R.S. Kovacs:

Like Deputy Porée, I am one of the Members of the Assembly who had to take the citizenship. I took it before Brexit, so even before considering standing for election. Jersey has always been a welcoming, outward-looking community thriving through the talents and contributions of both locals and those who have chosen to make it their home. Our society has made great strides in inclusion. Non-British nationals gained eligibility, as we heard, for jury service in 2000, voting rights in 1994 and the right to serve in the States of Jersey Police in 2004. These changes recognise that an individual's value lies in their skills, experience and dedication to Jersey, not their nationality. The question we face now is similar. The qualities of a candidate for the States Assembly should be commitment, experience and vision for Jersey's future, not their citizenship. The notion that only British citizens can represent our diverse population no longer reflects the Island we are today. There are over 60 languages spoken in Jersey. We must ensure that anyone willing to contribute to public service has the opportunity to do so and leave it to the public vote if they are the right candidate to elect. I will contradict Deputy Bailhache as there are other countries doing that. One I know is New Zealand where you can stand after being there one-year resident with a few conditions. In Belgium, as well, European Union nationals are allowed to run for Federal Parliament if you have been there 5 years. Concerns about loyalty and cultural identity are valid but we must ask: does loyalty to Jersey require British citizenship? Many people who have lived here for decades and contributed greatly to Jersey's success are deeply committed to its future. Should they be excluded from the political process simply because they are not British? I believe the answer is no. While some fear that allowing non-British nationals to stand for election may dilute Jersey's identity, we must remember that identity is not about nationality. It is about shared values, commitment to our community and being truly representative of the people we serve. Turning to the amendment now withdrawn from Deputy Scott, I will still refer to it as it has been mentioned. That was seeking to ensure there is citizenship test for non-British candidates requiring them to pass a test on Jersey's history and culture before being eligible to stand for election.

[12:15]

While I understand the intention behind it, and I also believe you should have knowledge of the place you are willing to stand for, I have to argue that British nationals are not required to take such a test even though they may have less knowledge of Jersey's history and culture than longstanding residents who are not British citizens. If we are going to ask anyone to pass the citizenship test to stand for election, it should apply to all regardless of nationality. To not require British citizens not Jersey-born who could also be from, how we heard, a Commonwealth zone on the other side of the globe to take this test while asking others to do so creates an unfair and discriminatory standard. I also have to comment on the reasons for withdrawal with Deputy Scott stating you have to not be loyal to other countries as a States Member. How is the British citizenship paper making any difference in that or offer protection on what Deputy Scott has mentioned regarding national security? In my opinion, a check mandated for all candidates would offer more value for that. The proposition is about inclusivity, fairness and forward thinking in an Island where the blending of different cultures and nationalities involved in decision-making has proven very beneficial so far, whether they have citizenship or not. I want to revert to the main reason why the original proposition needs to be supported. The financial burden associated with a naturalisation process for British citizenship is very costly and from my own experience, the total cost can go up to £2,000, not just £1,300, as

Deputy Scott mentioned in her withdrawn report. For many residents this cost is simply out of reach. Asking fellow Islanders to go through this lengthy - around one year - process and expensive process just to have the opportunity to serve Jersey in a political capacity with such a high cost could seem unfair. Moreover, certain nationalities are not allowed to hold dual citizenship and for many individuals this makes the citizenship process an impossible hurdle. Two countries with nationals strongly embedded in Jersey that I am aware of not being allowed dual nationality are Spain and India, but there could be more. Considering the context of Brexit and how beneficial it is for Spanish people to be part of the E.U. (European Union), why should they be forced to give that up to take British nationality instead in order to stand for election which may or may not also be a successful candidacy. I know I would not, if I could not have dual nationality. Would that make me less loyal than I am to Jersey or a threat to the national security? I do not think so. We must recognise that these individuals could have deep ties to Jersey, contributing for years and they should not be denied the right to stand for election simply because they cannot afford the citizenship process or because their home country does not allow dual nationality. In conclusion, I ask to support the original proposition by Deputy Tadier. Let us move forward with a policy that reflects the Island's values of inclusion, merit and fairness. Let us allow residences who have proven their commitment to Jersey through sometimes years of service, dedication and passion for the Island the opportunity to stand for election without being held back by outdated nationality requirements. Let us trust the electorate to make the final decision, after all there is no better way to test the candidates worth than through the democratic process itself. If they are not suitable, the people of Jersey will have the final say at the ballot box. I therefore ask Members to support the proposition.

2.1.8 Deputy I. Gardiner:

I feel I need to speak during this debate and my view is a bit different from other dual nationalities that have spoken until now in this debate and I explain why. On first look, it seems simple, fair ... it is not simple; it is fair, as Deputy Mézec said. Why make political office dependent upon citizenship? It kind of feels unfair because we all live here, we pay taxes, we contribute. But this for me is real life and as somebody who made conscious decision to take new citizenship twice in my life because my original where I was born, I basically needed to sign off, said: "I do not want anymore this citizenship." It was Soviet Union citizenship, and I needed to go through the process to say: "I do not want to continue to be a citizen." So, I did twice take the decision and for me it is not about the paper. The paper is the easy part. It is a psychological decision: what does it mean to be a citizen? For me, how do I feel? Why is it important for me? I did not have to take British citizenship. I had my permanent residency through establishing a business in Jersey. I could continue to live all my life in Jersey without taking citizenship as a permanent resident. I did not think about political office when I took my citizenship. It was way before I decided to stand for the election or even had an idea about political office. I did not at that time but it was important for me because at that point when I decided to take my citizenship, I had a clear decision that I see Jersey as my home and for me it is an extra commitment that I decided ... again, I am speaking about myself, the psychological process that I went through by making the decision to go through the citizenship and I did need to do that exam, as everyone else. I did need to go through the paperwork and, again, the reasons people are giving: "It is expensive." Maybe we do need to find a way - and I told it at the previous debate - to make sure that the people who would like to run for the office and it is important for them, they will get subsidy to make sure that they ... and I do believe this is what was proposed by Deputy Moz(?). The second one is to pass the exam: "It is complex. It is difficult." Gosh, if you cannot pass the exam, it will be very difficult to read the reports and to be a States Member. As somebody who passed the exam, it is not complex. You can pass this exam. To go through the paperwork, it is a very, very long admin process. It is an extremely long admin process but, again, we are dealing with paperwork, and it is maybe an inconvenience. Why would a person decline to take citizenship? What would be the reason that a person says ... apart from Spain and India that are not allowed dual citizenship, but they have their own reasons. I know that some parliaments will not allow to stand

for the election with dual citizenship even though they allow dual citizenship, but they cannot stand to the elections if they have dual citizenship. I cannot understand why people do not want to take citizenship, apart from the exam and expense. We are talking about political leadership of Jersey and we are talking about very - maybe - few people who would like to stand to election and we need to find a way to support them. People talk about citizenship as allegiance and I think it is important but for me, I always ask the question: if as a States Member I was stuck abroad because of the uprisals, something happened, emergencies, I do not have British citizenship, would the British Embassy be taking care of me or my original embassy need to take care of me? I do not know. Maybe it will but maybe it ... I do not know. If a person will commit fraud and run away ... I am giving different options, and it is real life so we have a different citizenship and they can go to the different countries. I am not trying to say that people will do this, but I do believe that people naturalised ... and I remember myself going thorough checks on all my backgrounds, who I am, what are my convictions? Not convictions, I do not have convictions. I am in the States and I am naturalised, but I needed to present all paperwork thoroughly to go through all checks. To be honest, I do believe that our Assembly is much more diverse compared to what was 20 years ago before Deputy Alves and Deputy Guida and myself were elected at the previous Assembly. For 20 years there was nobody with English as a second language. We could see that we increased the numbers in this Assembly and unfortunately - and this time I am looking at the Minister with responsibilities for Island identity - we did not progress with other possible framework and this is where my previous proposition "Life in Jersey" was almost passed, and I know that Deputy Scott withdrew her amendment. I wanted to have something that the public ... because we represent public, all nationalities including people with British citizenship that they will feel if the people have this connection. We have something that happened as a pre-step. Maybe I am too conservative, but this is where I feel we need to be flexible. We need to be open. We need to provide the options, but it is about what I am feeling and the question why not and this is my contribution to this debate. I think if the amendment would still be there I would likely support the amendment but based on what I said, I am not going to support the proposition.

2.1.9 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

I am going to keep it short, but I wanted to just flip this discussion a little because I was triggered to speak by Deputy Scott and Deputy Bailhache talking about loyalty. In our family of 4 we have 3 nationalities. I have 2 nationalities and like others who have spoken I am from Jersey and British and I got another one. Why? Brexit because my family are European. My family are Dutch and my 2 children are also British but at the time of Brexit we were living in Belgium. I may not have been living in Belgium, I could have easily been living in the Netherlands. I was hoping to be living in the Netherlands. But if I was living in the Netherlands now after Brexit, and want to be there, I would want to become Dutch, but to become Dutch I would have to give up my British nationality. If I gave up my British nationality - this is all hypothetical of course - and lived in the Netherlands but then came back to Jersey, I would not be able, even though I was born in Jersey, to be standing with you today as a States Member. Luckily I was living in Belgium and because I had lived in Belgium more than 5 years - in fact at the time it was about 12 - and the Belgians had not got wind of Brexit the day after Brexit and what that would mean, it was pretty easy to become a Belgian. I did not have to do an exam. I had to go along, prove I could speak some French. I could choose French or Dutch. I chose French because it is easier to work out administration in French than it is in Dutch. It was not a long admin process and I paid 500 euros. I am now able to live in Europe with my family if I chose to. That is why I became Belgian - and I am sorry that that is now in Hansard - of course I would go Belgium. But I wanted to give that flip side, that of course it could have been that I was living in the Netherlands and I had to choose another way. I had to choose my being Dutch so that I could be for my family, and of course I want to be European for my family. We do not want to split up when we go to the border and have to split in sometimes very long queues, we want to go together. I want to be able to move to Europe with them at any opportunity, I would want to have that with

them, but it could have meant theoretically that I would have had to have given up my British passport for that. Mainly what I wanted to say was, it is complicated. Is my loyalty any less to Jersey because of that technicality that I would have had to have gone to be with my family? Nationalities and, I think what Deputy Mézec said about pieces of paper, our identities are so complex and they always have been.

[12:30]

Nationalities and borders have always caused massive frictions; they continue to do that now with many conflicts. I think that going back to what many have said, the test is not that nationality test, the test is the electorate who will decide if you are the right person to represent them in the States Assembly, that loyalty, if you need the loyalty, of the oath that you do when you are first elected. Those are the tests that - back to that point of nationalities - as I have just said, can be paid for quite easily.

2.1.10 Deputy P.F.C. Ozouf:

I am only rising to put into context some remarks that I made in an earlier debate which have been used in this debate. I absolutely agree with inclusion and diversity and a wide range of spectrum of individuals; however, I do believe in this Assembly that one should have British nationality. I absolutely fundamentally believe that if one is going to take an oath of office, then we take an oath of office in having British nationality. I will say one final thing just on the issue of dual nationality, in the fullness of time were there to be situations where dual nationality were not possible, which it is for the vast majority of cases - I have just looked up the Dutch situation; I understand that, Belgium does allow it - but there are also exceptions allowed for Netherlands dual nationality. I think if you stand for a parliament you must be a national of that country. In the fullness of time where there may be residents ... I am not aware of any residents of Jersey that cannot take dual nationality that want to stand for this Assembly. They can do it, they should do it; the United Kingdom does. If there were to be certain circumstances, maybe we could consider that in the fullness of time but I am not persuaded by the arguments, British nationality requirement, and I just wanted to caveat those earlier remarks.

2.1.11 Deputy K.F. Morel:

It is definitely an uphill battle for Deputy Tadier, just think about it, because the one thing we all know is that 100 per cent of this room are British citizens. In that sense it tends to be the case that when you have a group of people who share something in common, they are often not willing to change that or dilute that, for want of a bad word. What we have been hearing, and I think Deputy Jeune spoke about it very well, is the difficulty with identity. I think this comes to the foundation of this discussion, our nationality identities means so many different things to so many different people. It is a genuine pleasure, and I am so delighted that we have Deputy Gardiner, Deputy Kovacs and Deputy Porée in the Assembly [**Approbation**] who bring completely different perspectives, having been brought up, in the main, elsewhere outside of our Island. Obviously we have people who were born in the U.K. and moved here subsequently. We have people who were born in Jersey and have lived most of their lives in Jersey. We are, in that sense, a diverse Assembly. What I was thinking of as I was glancing at Deputy Ozouf's socks [**Laughter**] was the Union Jack that he is wearing on his socks. It got me thinking about identity and national identity. I know I have stood here before and always say my priority, my identity, is tied into Jersey. I have no U.K. ancestors, none anywhere - exactly - and for me the Jersey flag is the flag that speaks to me. I know I am standing next to the Union flag but the Union flag does not really mean much to me personally; I see it as a flag of another country. In fact, I have just been looking it up, it is not even the flag of another country because it is not legally the U.K.'s flag, it is *de facto* the U.K.'s flag. There is no legal basis to it, as I understand it. Feel free to correct me if you see otherwise; I believe this is correct. It is a *de facto* flag of the United Kingdom and Jersey is not a part of the United Kingdom. From my perspective the flag to

my right is not my flag, I do not see it that way. I understand that other people see it that way, they feel that it is the British flag. It is not the British flag, it is the flag of the United Kingdom, but that is how they see it and I get that. It is also the flag, as Deputy Bailhache was talking about, of ... well the Royal Standard, I assume, is the flag of the monarch and that has precedence over the Union flag. In a sense, maybe Jersey should be flying the Royal Standard more often - I do not know if that is legally viable - rather than the Union flag. All of this confusion that I am talking about is really just to show you how confusing identity is and how confusing national identity is. I am very much someone whose identity is rooted only in Jersey. I have lived in a few other places but 90 per cent of my life has been lived here. Equally, I know my parents-in-law have lived in Jersey longer than me because they arrived before I was born. They are both from England but I know they feel incredibly Jersey too. My father-in-law is in so many ways more Jersey than I am but he was not born or brought up in Jersey. I know Deputy Scott has quite rightly raised certain security issues. I think as we do move into really sadly - unbelievably sadly - a more unpredictable and potentially, and I really sincerely hope not, more warring world, I do know we have to think of national security issues. From that perspective, Jersey is linked to the United Kingdom in terms of security and I do accept that. But for myself I also then think, Jersey does not have an army, Jersey does not have a navy, Jersey is not privy to any military secrets, as far as I understand it. Jersey does not have that level of need in that sense, we are not militaristic. We have been in the past, there are plenty of castles and towers to remind us of that, but we are not these days. I do like to think that we will not go to war with France any time soon, so those towers, et cetera, are relics of the past, I hope. That also got me thinking, why do we have a requirement for British citizenship? Then that made me think about the French element. It is quite possible that the requirement for British citizenship came about by the desire to stop French people coming into our Parliament; 100, 150 years ago there was a lot of anti-French feeling in Jersey. A lot of anti-French feeling in Jersey 100, 150 years ago. I do not know the history, this is just my supposition, it is possible that that British citizenship there was to make sure that French citizens did not become Members of our Assembly. I do not think people would be so worried about that today if there were French citizens or Belgian citizens in our Assembly. I do not think it would be seen in quite the same way. I have been sitting quietly listening and really thinking all these things through from national security to what it is to be Jersey because in my mind that is what matters here. I am still not entirely sure how I will vote for this but I think it comes down to Jersey needs to find a more firm expression of its own identity. I think it would be a good idea for Jersey, as far as the States Assembly is concerned, to find a route to enabling people to identify as Jersey in order to become Members of this Assembly rather than being linked to having to be British. I think to me that is what matters. As people have said today, the oath that we take includes, if you wish, an oath to the Crown, again, something I have no issue with. I have no problem with our monarch being King Charles, that is where we are, that is the 800 years of history that we all ascribe to. But I think it is perfectly reasonable to have loyalty to the Crown and Jersey as opposed to the more ephemeral, more difficult-to-understand, less-linked to Jersey, this idea of Britishness. I think we have changed as an Island and I think we are happy to have people from different nationalities in this Assembly. I think the thing that is missing at the moment is us really understanding how we show, define that sense of being a part of Jersey as your reason for being in this Assembly. I think that is the bit that Deputy Labey, Carolyn Labey, will hopefully be working very hard on as well. I think it is worth us perhaps with P.P.C., with Deputy Labey's work, really thinking hard about that. How do we find a way to define somebody as Jersey in order to stand in the Assembly as opposed to Britishness?

The Bailiff:

Could we just get an indication as to how many other people wish to speak in this debate without calling on them in particular? So at least 4 or 5 people still wish to speak. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the Assembly stands adjourned until 2.15 p.m.

[12:40]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

So we are not in session until I sit down, so it is all right.

Male Speaker:

It is unforeseen.

The Bailiff:

Yes, mercifully unforeseen. Very well, we continue now with the debate on P.65, Public Elections: Extension of eligibility criteria. Does any other Member wish to speak on the proposition?

2.1.12 Deputy D.J. Warr of St. Helier South:

It is nice to see everybody else is so shy. Sorry, I have got to just try to get myself organised here; I will pull this apart. This is a debate about belonging and what we understand by that. It is really interesting to hear Deputy Gardiner's comments about that feeling inside, that desire to complete the circle. Deputy Scott referenced in her speech our relationship with the U.K. and I remind Members of the following: the primary law governing nationality in the United Kingdom is the British Nationality Act 1981 which regulations apply to the British Isles, and that obviously includes Crown Dependencies, Jersey, Guernsey, Isle of Man, et cetera. As well as a legal status, citizenship can also indicate a subjective feeling of identity and social relations to reciprocity and responsibility. Sometimes these are described, as Deputy Bailhache has said, in words like loyalty, values, belonging or shared cultural heritage. This also points to the complex and often-assumed relation between citizenship and belonging to the nation. People feel very strongly about this subject. Many years ago controversially Norman Tebbit famously called it the "cricket test" if anybody is old enough in here to remember that one. It was very controversial in its time. Deputy Porée raised good questions as to what is Britishness? What are British values? What is belonging? Deputy Mézec says it costs money. Yes, you do need to invest in your community, that is the rule. If you are not prepared to invest in the community, then why should your community by default invest in you? Thank you for the "wow". Citizenship matters; citizenship is obviously important to millions of people. If it was not, why did Brexit happen? That sense of being in control of your own affairs. There is the currently infamous example, which is still ongoing and, sadly, around Shamima Begum. In February 2019 Shamima Begum, for those of you who recall this, was discovered alive in a refugee camp in Northern Syria by a war correspondent. The moment she was found, her British citizenship was revoked and it was stated that Begum would never be allowed to return to the United Kingdom: "The Government's priority remains to maintain the safety and security of the U.K. and we will robustly defend any decision made in so doing." That is a hugely controversial decision but again it talks to the subject matter of citizenship and how strongly people feel about belonging to something. Deputy Scott also highlights cybersecurity issues as a new phenomena. We have just recently seen Romania, the Constitutional Court annul the first round of the country's 2024 presidential election process due to concerns about aggressive hybrid Russian attacks. They also showed how Ceaușescu was boosted by potential interference in TikTok, the social media platform on which he largely ran his campaign through algorithms, co-ordinated accounts and paid promotion, et cetera. These are the concerns, real-life concerns, which people have about are people on our side. Do they believe in the same values and issues as we do? The issue, in conclusion, is hugely personal; identity itself is hugely personal. I believe though that we have laws to which we all submit ourselves and one of these is

citizenship. It is not that we cannot change laws, it is just for me that it sits at the core of my beliefs, the way I think. I am hugely proud of that and feel it is a privilege to be part of a nation that has had such an impact on our lives; therefore, I will not be supporting the proposition.

2.1.13 Deputy R.J. Ward of St. Helier Central:

This is an interesting debate when we talk about identity and nationality and citizenship, and so on. It is a time when I recognise most strongly that I am an immigrant to this Island. I have been here about 24 years and then I think about: what is my loyalty to? I have worked hard, I pay my taxes, I have worked for the Assembly, I have tried to do my best by my constituents. I have become part of a community, I have brought my children up here, is that enough? Is that enough for me to be accepted, to be part of a community or would I need to take a test to prove it? Would I need to take a written test? I do not have to because, in effect, of my birthright. I was born in London, I am an east London boy. My loyalties are to Leyton Orient and **[Laughter]** ... sorry, Sir, you probably know them as the mighty Leyton Orient.

The Bailiff:

Or I do not know them at all. **[Laughter]**

Deputy R.J. Ward:

The joke is you might know them as “Leyton Orient nil” but that is not true anymore. There we go, we have an example of where our loyalties lie and an understanding of those. I think very quickly we can shift between the gossamer-thin layer of nationalism which can be unhealthy, and nationalism which is about pride in what we achieve together. I think we have to be extraordinarily careful when we talk about these issues. I am nationally proud of ... I do not know what. The N.H.S. (National Health Service) that gave birth to me and my wife worked in, and those sorts of things, of the history of trade unionism in the U.K. and workers’ rights, and so many things about Britain and England. I am very proud to be part of Jersey; my children had a great childhood here. I have made lots of friends in an incredibly caring community when things go wrong, as we have seen on so many occasions, but that is not anything to do with where I was born, where I was given birth to, in a Salvation Army Mothers’ Home in Lower Clapton Road. I know, I looked it up the other day, there is a Facebook group - anyway - a remarkable experience. I think when we look at this debate we need to think about what we want people on this Island to contribute to this Island, particularly when they come to this Assembly. Do we want them simply to be hard-working, committed members of our community who want to do the best for Jersey, who are open and transparent about what they believe and what they stand for, and are willing to stand on the front door and say to people: “This is what I stand for. I want you to elect me for this Assembly in order that I may vote on the laws that you live by.” Not once was I asked on the doorstep, probably for all sorts of reasons, as to whether I was a British citizen. In fact, citizenship is probably something if you ask many people about, they are unsure as to what it means. They just want to be part of a community. What we have at the moment is a pool of talent on this Island that cannot be used simply because it has not paid for an expensive test to prove some sort of strange loyalty. I would worry about what the citizenship test would ... who is forming it, who is defining British citizenship? If I wrote the test it would be very, very different. If my colleagues wrote the test it would be very, very different, and there is an analogy to football teams and how that loyalty comes. No one really knows. My interest is because it was my local team. Some people make the mistake of being, for example, Manchester United fans, or even worse Tottenham Hotspur fans **[Laughter]** but we have to accept people for what they are. We have to accept that diversity and difference and when we do that, we know they have something to contribute. I want people to think before they look at this as what is so valuable, that one test that makes a difference to that person that you know, you live near, you share your community with, you might share a friendship with, you might share dinner with, a drink, views, you may have similar views on the way that the world works. I think if you put obstacles in the way to talented people for

no specific reason, then I think we have to be very careful. Yes, there is an issue, and I agree with Deputy Morel when he talks about Island identity. I looked up the Island identity website and there is a very interesting paragraph that says: “Citizenship is an issue distinct from nationality and it is not exclusive. An individual in Jersey may legitimately identify themselves as a British citizen, a Jersey citizen, and a Polish national all at the same time.” I think that is where we are. You can identify as all of those things at the same time but be very “loyal”, very committed to life in Jersey. If that is what you bring, then the electorate will look at that and decide whether or not they want you in this Assembly. That to me is the real important point of this: do the electorate want you here? If they do not, you will not be elected; if they do, you will, regardless of your citizenship, regardless of where you were born, regardless of so many other things, I hope, but am not so sure about, and that is the key thing to do. I would ask people, I think the fear of the lack of this test is a problem. I cannot answer the things about cybersecurity because I simply cannot believe that that is a genuine concern. I am not sure which part of the British citizenship test ensures that you will not be a cybersecurity risk. I am not sure what that is and so subsequently I am really not sure that that is a link that I can comment on. I will finish very quickly then by saying, please consider the people that you know around you, the people that we share this Island with, the people that we work and talk to and share our spaces with every day. Do you really want to exclude them because they have not taken a test or do you want to see what they could bring, the talents that they have, and the abilities they would bring to this Assembly to make it a better, a richer, a more diverse place to be.

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

This has been a really interesting, very thought-provoking debate, and I am pleased to follow Deputy Ward who says that he has been here for 20 years. The Shenton family came to Jersey in the late 1790s, and I have been told throughout my life that we are not really Jersey because we have not been here for 500 years, and we do not have a French name. So no disrespect to the Morels or the Le Hegarats but we have been here longer but we are the Shentons or whatever. The other thing is there are 4 in my family and Theo, Anastasia and I are all Jersey, Perry is English. Theo, Anastasia and I are also Canadian because I was born in Canada, and Anastasia studied in Canada, and Perry is also Irish. He also has quite strong Dutch ancestry and going way back I have got Norwegian. But a really interesting point to this, I suddenly remembered that when I was in my early 20s and I wrote for the *Islander* magazine, I was sent to do some photojournalism and photograph and interview Dr. Frank Le Maistre who was a campaigner, author and lexicographer, and his *Dictionnaire of Jersiais-Français* was published in 1966. He said to me: “Oh, it is a pity that you are not really Jersey.” I said: “We have been here for quite a long time.” He was the one who said: “Yes, you have been here since 1792, I have looked you up.” He said: “It is such a pity you are not really Jersey because you look like a real Jersey person” because [Laughter] I was blonde and blue-eyed. He thought I looked Viking. But then I thought, most of the Jersey people I know do not look like that anyway, but anyway. For the summer Olympics I always support the U.K., for the winter Olympics I always support Canada. I do like ice hockey, I do love snowshoeing. Yes, it is really interesting there are 4 of us and Perry identifies as English. If you told my daughter she is English, she is absolutely not, she is Jersey. She is Jersey-Canadian, my son is more in the middle. I have an English mother, a Jersey father, my children have an English father and Jersey-Canadian mother, so it is really interesting. I might have stood here and everyone would assume you are English or Jersey or whatever, but in my family there is a lot. I am not completely sure now how I am voting on this, so I will just wait to hear the summing-up or the rest of the debate.

2.1.15 Deputy L.V. Feltham of St. Helier Central:

I am pleased to follow previous 2 speakers. I can say I am what might be considered a 2-Jersey girl. The reason why I know that is because I have a stamp in my passport which says so. But that is just one of my passports because I also stand here as a dual citizen; I also have Australian citizenship.

[14:30]

I am one of the Members of this Assembly that has taken a citizenship test, albeit in another country. What did that change? What did that change to me as a resident of Australia? Did it change the way I did my job? I do not think so. Did it change what I knew about the country that I loved and lived in? No. I did the test, I read the booklet. The booklet is very divisive in Australia because it tells you a history, one side of a country's history, potentially not the other. It did not make me, I think, a better citizen of that country. What made me a better member of that community was living with other members of the community, learning from that very diverse community, learning about the real history of that country from those that had lived it, and also learning and working in that country. The only true change that citizenship gave me was the ability to vote. I was a civil servant, I was able to provide advice to Ministers. Was the advice I provided to Ministers any better because I was a citizen? I do not think so, I think it remained the same. Again, my advice was only better because of the time I had spent living in that country. I was sad to hear Deputy Warr's comments about the cost of paying for citizenship and that somehow being a badge of being willing to give to a community, because I am conscious that we have many members of our community that give a lot to our community and they do not need to pay to be a citizen in order to do that. I am also reminded of something that happened in Australia where there was an anomaly where many elected Members, it turned out, had dual citizenship which is not allowed in that country. We ended up in a situation whereby we had elected Members - so the electorate had decided that these Members were the types of people that were fit for public office, they elected them, and they won their seats - ended up losing their seats because it turned out they were dual citizens. Some of those may have well stood again and then regained their seats once they had renounced their citizenship. Did renouncing the dual citizenship make them any more or less of an elected representative? Probably not. Did the electorate of Australia lose some very good representatives because of that anomaly? Probably, and I would in fact say, yes. I think we need to be very careful when we talk about citizenship being such an important aspect and citizenship being the mark of loyalty. To me, living within a community, choosing to spend your time within a community, and giving to that community in the many ways people that are not British citizens give to our community, are the most important factors. I will be fully supporting this proposition.

2.1.16 Connétable R.D. Johnson of St. Mary:

Like the Constable of St. Martin I even now am unsure as to the way I am going to vote. I do not see it as a question of nationality as much as, if I dare look into my old trade, one word that has not yet been mentioned is one's domicile. For tax purposes, one can be resident and one can be resident in more than one country for tax purposes, or domiciled. For domiciled you have only one domicile. You start off life with your domicile of origin and you keep that until you exercise a domicile of choice in another jurisdiction. The people in Jersey who are valuable citizens, the question I have is to whether, despite their value in the current climate, would they really say they have decided to spend the rest of their days in Jersey? To me that is important because however valuable they are, and however much they play a part in the community, the laws to which they will be party and have a part in passing, will endure beyond their time. I think it is important to decide where ultimately they wish to spend the rest of their days. Certainly, as an elector the question of nationality in itself would not bother me, but I question whether I would vote for them if they said: "Well, yes, I was born", in whatever country it was, "I like it here. I want to play a valuable part here but when I retire I want to go back to my country X." To me that would not be a sufficient commitment to justify my voting for them. That is an individual decision, that is a question I have to ask myself, and a question I would ask a candidate. I suspect it does not really help anyone else in this debate but it is that domicile denotes commitment for life. Pure residence in a country where they might change that and by having properties in another jurisdiction, which some people do, that would, to my mind, undermine their candidacy. As I say, I am not sure it helps anyone, but I think on balance I may be veering towards opposing this motion because I do not think residence for however long is sufficient in itself.

2.1.17 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

I am not going to say a great deal. I would, however, just like to address the idea that we have heard today that the taking of British citizenship is utterly meaningless and nothing more than a scrap of paper. In my previous role, I often saw the court lists for the Samedi Court on a Friday morning and I often had calls to sit in the Samedi Court on a Friday morning. The first thing on the list was often people who were being naturalised or were taking British citizenship. It always struck me - you probably cannot express a view, Sir - that those were one of the few occasions in court which were really quite joyful. I was always amazed by the range of countries from which people came to Jersey and were naturalised or took British citizenship. It was always clear to me that for many of them it was a very joyful occasion and it absolutely meant something to them and it was a cause for celebration. I have friends who are from South Africa who took British citizenship through Jersey and it was a cause for celebration. To dismiss it so lightly I think could only be done by someone who has been given British citizenship by accident of birth. For many, many people in many parts of the world, coming to Britain, the journey to get to Britain, and then to go that extra step and take British citizenship is very, very valuable and it really, really means something to them. I do not think we should discount that lightly because those people were always very happy, it was very clearly very happy that I have seen them. This is a relatively small thing and Deputy Feltham has told us that she took Australian citizenship, it made no difference to her whatsoever in terms of her ability and her contribution, but it enabled her to vote, I think is what she said. That tells me in Australia you must be a citizen if you want to vote. Now that is quite a strict rule and it seems to me that there are very many people on this Island who are very accommodating of the rules in Australia and other parts of the world, but we do not want them over here, and we want them to be wider. My main point is, we should not discount the value to the individual concerned of taking citizenship, it is a very important step for very many people.

2.1.18 Deputy T.A. Coles of St. Helier South:

First of all, I would just like to say in response and agreement with the Constable of St. Mary in the fact that he demonstrated very much the ability we all have to question potential candidates, make a decision whether or not we are going to choose to elect them based on the facts that they wish to present to us because that is exactly every member of the electorate's right to do so. Whether that person is then a British citizen or not is immaterial. You have the questions that you wanted to know, you wanted to know what their commitment is to the Island, what their policies are, what their preferences are, and that is what you will base your decision on. Some Members of this Assembly - I will take Deputy Warr for example - he was born in Ireland. Now I did not realise that Deputy Warr was born in Ireland until it came out in this Chamber. That means he possibly has Irish nationality as well as British nationality depending on his story of origin. But of course that had no impact to the ... I wonder how many of the electorate asked him whether he was born in Jersey, whether he was born in Great Britain or in the Republic of Ireland. It does not come up. People base things on people's values and that is what is important. I think making sure that people share your values is the reason why you vote for them. They should not be inhibited to do so just because of where they were born. Deputy Millar just made reference to Australia not being able to vote unless you are an Australian citizen. Well it is the same in the U.K. In the U.K. general elections you are not allowed to vote unless you are a U.K. citizen, a British citizen. There is a huge range of people who are able to vote in local council elections, police chief commissioners' elections, but they are not allowed to vote in a general election. They are removing people's right to the democratic process but that is their choice. That is the country's choice, their representative's choice. If their representatives choose to bring that to the Houses of Parliament to have that notion rescinded, they can do so. This is why this proposition is before us today, as we are an Island that is branching further and further into multiculturalism. Do we want to embrace these other cultures that come to Jersey and have them be part of us and helping us form ourselves for the future? For me that is an incredibly important thing. We have also heard in this Chamber within this year, we talk about our Jersey

identity, but we link our Jersey identity back to speaking French. But of course you cannot be a French citizen - well you can be a French citizen as long as you are a British citizen - and also run for election. Are we French or are we British because that is sometimes in the question, but is our identity French, as in the French-speaking linking our culture back to the speaking French. A lot of our laws are written in French. But is somebody allowed to be a French citizen and run for Jersey? No. Are they then not part of our culture? Of course they can be. I think the notion of having to be a British citizen to stand for election is restrictive and also absurd, so I will be supporting this.

The Bailiff:

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

2.1.19 Deputy M. Tadier of St. Brelade:

First of all, can I thank Members? I think it has been a useful debate and I think we have had some very thoughtful contributions on all sides. It is always interesting when you get to learn little bits about your colleagues that you did not know before and it reminds us that we have all got a personal story that we bring to the Assembly which I think informs what we bring to the job. I thank Members who have shared perhaps more candidly than they might usually do. It is particularly interesting to hear from my party colleague, Deputy Feltham. When she talked about doing her Australian citizenship test when she was living out there, it reminded me of a friend I had who told me that she failed her Australian nationality test on the first attempt. Of course, I said to her: "Did you redo it?" **[Members: Oh!]** and thankfully she did and she got her nationality. In her speech that pun was going round in my head this morning for some unknown reason. Last night and this morning I had that thought of the didgeridoo, and it is clearly that if it had been a dream, then Deputy Feltham would have broken my dream, so to speak. On a more serious point, now everybody has woken up, we are approaching the 80th anniversary of the occupation of our Island and the liberation thereof in 1945 and there was lots of talk about loyalty and what that means. Just as there have been interesting and individual stories recounted today in the debate, there are still lots of new stories which are coming out even today from the Occupation. Something that Deputy Mézec said, and I think others have also said, is that loyalty to your Island is not dependent on your nationality or your passport. There were some beautifully moving stories from the Occupation of bravery which are often counter measured with tragic stories for the same people who are denounced. There were good Jersey people, whether they were born here and had British nationality, and there were others who were not British citizens who lived in Jersey and did great things for the resistance in our Island. To question somebody's loyalty on the absence of having a particular nationality or having converted your nationality, I think is bordering on the offensive.

[14:45]

I think in particular of the 2 women who lived in my constituency in St. Brelade, I mentioned them before, that they go under their birth names of Lucy Schwob and Suzanne Malherbe, who did a great effort helping many people during the Occupation, including Russian, Ukrainian and Spanish force prisoners of war, although that is not necessarily what they are best known for. They stood alongside women like Louisa Gould from St. Ouen who gave up her life ultimately and was murdered in the concentration camps for possessing a radio. They would have been denounced by other Jersey people who also had British nationality who were quite happy to denounce them to the Germans, to the Nazis for whatever reason, because they thought that they were breaking the Nazis' rules. This idea about loyalty and being British I am afraid does not wash, and we should be very sensitive to that argument 80 years on from the Occupation. Another lesson I think we can learn from history is the argument about othering. So what is the concept of othering? It is saying that other people are different. If you look different to me, if you have different beliefs, you have different sexuality, you have different skin colour, you have a different nationality in this case, you are different to us. You are welcome

here and we will extend some rights to you. It was unfortunate almost to hear, I think reading between the lines, this idea of saying: “Well, hang on a minute, you can already vote, what do you mean that you want more rights?” I am sorry, voting and I think standing for election is something of a duty and a responsibility. I think the analogy I gave earlier to Caroline Trachy, and to all those, in fact, men and women previously who could not vote, and all those men and women who could not stand for election, it is part of a continuum and it is a valid analogy. Because it might have been Caroline Trachy fighting for her right to stand for election over 100 years ago, but now it is perhaps people who cannot stand for election on the basis of their nationality, who might not be fighting for it, but at least somebody can fight for them because they may wish to at least stand and represent their community. Deputy Warr talks about the idea of investing in one’s community. I think we are getting fixated on this idea of a British nationality test and citizenship test which some people can take. The first thing to say is that not everybody is eligible for British nationality. I have looked through the British Government website and they do not just hand out British nationality like sweets because, as Deputy Millar said, it is an important thing. Of course people will seek citizenship for all sorts of reasons and I suspect standing for election is not normally high on the top of their list. They do it for all sorts of reasons but it is a complex issue and it is not everybody who can necessarily be in a position, even if they have lived in Jersey maybe for decades. I suspect as a single person, depending where you are from, it is not easily going to be automatic or sure that you would be eligible for that. There are many ways that you can invest in the community, so somebody could invest in Jersey’s community. Saying that by taking a citizenship test you are investing in Jersey’s community I think is a bit of a stretch. You could have somebody who is not British and invests in charities, either with their time or their money, sets up cafés, restaurants, runs facilities as part of the community. It comes down to that simple line in the law which we have which says: “I am sorry, you cannot stand for election because you do not have the right passport, you do not have the right nationality.” The point is, going back to the Caroline Trachy argument, that she was trying to get the members of a particular club to change the rules of that club. The club at the time says: “We do not have women here, it is an all-men’s club.” The argument we are having in 2024 is that: “We do not have non-Brits, please, we are an all-British club.” Okay? So that is the idea. I look in the direction of Deputy Morel, and I also understand his argument, is that we have this scenario whereby we privilege the residents of different countries over other countries. We talk about Jersey as an Island nation, so I am looking at Deputy Bailhache at the moment. He says, and I think I am happy to agree with it, that Jersey can be considered an Island nation. We are a nation and we can call ourselves the nation of Jersey, but there is a nation of Scotland, there is a nation of Wales, there is a nation of England and there is a nation of Ireland. There is also a nation of France and Romania and lots of other countries in the world, including the Commonwealth countries, which some have mentioned. We are saying that a national of Scotland can come to Jersey and stand for election but a national of France, which is only a few miles away and we have Norman traditions, cannot come to Jersey and stand for election. The point is that we should make the rules about our nation and the Parliament of our nation as open or as closed as we want to. I will leave Members with this thought because I am not going to go on for very long. Ultimately this does come down to a simple argument, is that today we can send a message out to people of what kind of Island we are, what kind of Assembly, what kind of Parliament we want to be. Do we want to open up our Assembly to more people to stand for election or do we want to close our doors and say that some people are worth less than others? I maintain the proposition and I do ask for the appel.

The Bailiff:

The appel is called for. Any Members not in the Assembly who wish to come and vote, please do so. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been defeated.

| POUR: 14 | | CONTRE: 31 | | ABSTAIN: 1 |
|-----------------------------|--|----------------------------|--|--------------------------|
| Connétable of Grouville | | Connétable of St. Helier | | Connétable of St. Martin |
| Deputy G.P. Southern | | Connétable of St. Lawrence | | |
| Deputy M. Tadier | | Connétable of St. Brelade | | |
| Deputy L.M.C. Doublet | | Connétable of Trinity | | |
| Deputy R.J. Ward | | Connétable of St. Peter | | |
| Deputy C.S. Alves | | Connétable of St. John | | |
| Deputy S.Y. Mézec | | Connétable of St. Clement | | |
| Deputy T.A. Coles | | Connétable of St. Ouen | | |
| Deputy B.B. de S.V.M. Porée | | Connétable of St. Mary | | |
| Deputy J. Renouf | | Connétable of St. Saviour | | |
| Deputy C.D. Curtis | | Deputy C.F. Labey | | |
| Deputy L.V. Feltham | | Deputy M.R. Le Hegarat | | |
| Deputy H.L. Jeune | | Deputy S.M. Ahier | | |
| Deputy R.S. Kovacs | | Deputy I. Gardiner | | |
| | | Deputy I.J. Gorst | | |
| | | Deputy L.J. Farnham | | |
| | | Deputy K.L. Moore | | |
| | | Deputy P.F.C. Ozouf | | |
| | | Deputy Sir P.M. Bailhache | | |
| | | Deputy D.J. Warr | | |
| | | Deputy H.M. Miles | | |
| | | Deputy M.R. Scott | | |
| | | Deputy R.E. Binet | | |
| | | Deputy M.E. Millar | | |
| | | Deputy A. Howell | | |
| | | Deputy T.J.A. Binet | | |
| | | Deputy M.R. Ferey | | |
| | | Deputy A.F. Curtis | | |
| | | Deputy B. Ward | | |
| | | Deputy K.M. Wilson | | |
| | | Deputy M.B. Andrews | | |

3. Draft Social Security Law (Parental Allowance and Death Grant) (Jersey) Amendment Regulations 202- (P.66/2024)

The Bailiff:

Very well, we now come to the Draft Social Security Law (Parental Allowance and Death Grant) (Jersey) Amendment Regulations, P.66, lodged by the Minister for Social Security. The main responder is the chair of the Health and Social Security Scrutiny Panel and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Social Security Law (Parental Allowance and Death Grant) (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 50 of the Social Security (Jersey) Law 1974.

3.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

I am pleased to be bringing these regulations to the Assembly today. As I mentioned in the written report accompanying this legislation, I am bringing them to the Assembly as one set of regulations to make more effective use of policy legislative drafting and Assembly resources. However, Members will have the opportunity to vote separately on the different regulations should the principles be adopted. These changes, if adopted, will amend the Social Security Law and make changes to the rules for 2 Social Security contributory benefits: the Parental Allowance and the Death Grant. The Parental Allowance is a benefit which supports parents to take time off work to care for a new baby. The allowance is paid weekly at £283.01 and parents can be eligible for up to 32 weeks. The Death Grant is an amount of money paid when someone dies at £1,132.04, usually to help with funeral costs. The changes to the Parental Allowance aim to implement a previous decision of this Assembly following the adoption of P.52/2023 lodged by Deputy Raluca Kovacs and would make provision for additional weeks of Parental Allowance to be awarded to parents that have babies that require urgent hospital care, either when they are born prematurely or need that care in the first 28 days of life. The changes to the Death Grant will modernise and align this part of the legislation with other Social Security and Employment Law rules and would allow the grant to be paid in respect of stillbirths. I would like to extend my thanks to officers at the Office of the Superintendent Registrar and the Jersey General Hospital for their work with my officers as these proposals have been developed, and also both the Health and Social Security Scrutiny Panel and the Children's Commissioner for taking time to meet with my officers to discuss these changes in more detail. I intend to provide more detail on each of these elements when the regulations are debated; however, I would be pleased to answer any questions that Members may have, and I propose the principles.

The Bailiff:

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

3.1.1 Deputy R.S. Kovacs of St. Saviour:

I want to start by expressing my gratitude to the Minister for Social Security and her team for prioritising the implementation of this proposition approving the principle last year. This is an important step forward in supporting families during some of the most challenging moments of their lives. The adopted proposition last year aimed to provide essential financial support to parents whose babies need neonatal care or are born prematurely. We all know that these situations bring not only financial burdens but also intense emotional strain. This proposition that now looks to implement these needed changes is about more than just money, it is about compassion, equality and respecting the diverse challenges faced by modern families. The changes to Parental Allowance Regulations we are considering today will offer extra financial support to parents whose babies need urgent hospital care. This is especially important for parents of premature babies or babies who need hospital treatment in the first 28 days of life. For these families, the emotional and financial stress can be overwhelming. The additional weeks of Parental Allowance will give them more time to cope with these unexpected circumstances. The new flexibility to take the leave in 4 blocks instead of 3 will give families even more control over how they manage work and caregiving. The Minister very thoughtfully also added bereavement support for parents of stillborn children to these regulations.

This change extends the Death Grant to parents who tragically lose a baby before birth, recognising the unique grief they face. Until now these parents were not eligible for the same financial support as parents who lose a child after birth. By closing this gap we are ensuring that all parents, no matter when their loss occurs, receive the dignity and support they need during such a difficult time. All the changes the current proposal brings are about more than just providing financial support. They are about showing families in Jersey that they are not alone during the hardest moments of their lives. This is about ensuring that the Government's safety net is there when it is needed most. I hope the Assembly will support these regulations today as well, not just as a policy measure, but as a clear commitment to the well-being and dignity of every family in our community.

The Bailiff:

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

3.1.2 Deputy L.V. Feltham:

I do not think there is anything that I need to respond to to Deputy Kovacs. I would just like to thank her for her original proposition. I maintain the principles.

The Bailiff:

Do you call for the appel or ...

Deputy L.V. Feltham:

Yes, Sir.

The Bailiff:

The appel is called for. I invite Members to return to their seats if there are any not in the Chamber. I ask the Greffier to open the voting. The vote is on the principles for P.66. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

| POUR: 47 | | CONTRE: 0 | | ABSTAIN: 0 |
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| Connétable of St. Helier | | | | |
| Connétable of St. Lawrence | | | | |
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| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy M. Tadier | | | | |

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| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
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| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy P.F.C. Ozouf | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
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The Bailiff:

Deputy Doublet, does your panel seek to call the matter in?

Deputy L.M.C. Doublet of St. Saviour (Chair, Health and Social Security Scrutiny Panel):

No, thank you, Sir. We have had a briefing on this and we are content with it.

The Bailiff:

How do you wish to propose the regulations, Minister, in Second Reading?

3.2 Deputy L.V. Feltham:

I would like to request that the regulations are taken separately, starting with Regulations 1, 2 and 3.

The Bailiff:

Very well. Do you wish to propose those or do you just want to move them at this point and we will call for a seconder?

Deputy L.V. Feltham:

Yes, I wish to propose them.

The Bailiff:

Are they seconded, that is Regulations 1, 2 and 3? **[Seconded]**

[15:00]

Does any Member wish to speak on 1, 2 and 3 or either of them or any combination of them. No one wishes to speak, then I close the debate. Those in favour of adopting Regulations 1, 2 and 3 kindly show. The appel is called for. I invite Members to return to their seat. The vote is on 1, 2 and 3 of the proposed regulations and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. Regulations 1, 2 and 3 have been adopted.

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How do you wish to deal with the rest, Minister?

3.3 Deputy L.V. Feltham:

Sir, I would now like to take Regulations 4, 5, 6, 7 and 8.

The Bailiff:

Very well, 4, 5, 6, 7 and 8. Are 4, 5, 6, 7 and 8 seconded? **[Seconded]** Does any Member wish to speak on 4, 5, 6, 7 and 8? If no Member wishes to speak, then I close the debate. All those in favour

of adopting 4, 5, 6, 7 and 8 kindly show. The appel is called for. I ask the Greffier to open the voting. The vote is on 4, 5, 6, 7 and 8 in Second Reading. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting, 4, 5, 6, 7 and 8 have been adopted.

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Do you wish to propose the remaining regulations?

3.4 Deputy L.V. Feltham:

Sir, I wish to propose Regulation 9.

The Bailiff:

Is Regulation 9 seconded? **[Seconded]** Does any Member wish to speak on Regulation 9?

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

Just I am curious to know if the Death Grant is sufficient to cover the costs for a child's funeral.

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak on Regulation 9, then I close the debate and call upon the Minister to respond.

3.4.2 Deputy L.V. Feltham:

Thank you to the Constable for your question. I would hazard a guess that it would not be enough and I will go back and get some more details from the department and get back to the Constable. I think the important thing at this point in time is that we pass the regulations so that people in this situation can receive the relevant grant.

The Bailiff:

I assume the appel is called for and I ask the Greffier to open the voting. The vote is on 9, if Members would like to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. Regulation 9 is adopted.

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| Deputy K.L. Moore | | | | |
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| Deputy Sir P.M. Bailhache | | | | |
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| Deputy M.B. Andrews | | | | |

Do you propose the remaining regulations, Minister?

3.5 Deputy L.V. Feltham:

Yes, Sir, I do.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on the remaining regulations, specifically 10, 11 and 12? If no Member wishes to speak, I close the debate. Those in favour of adopting the Regulations 10, 11 and 12 kindly show. The appel is called for. I ask the Greffier to open the voting. The vote is on Regulations 10, 11 and 12. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. Regulations 10, 11 and 12 have been adopted.

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| Deputy P.F.C. Ozouf | | | | |
| Deputy Sir P.M. Bailhache | | | | |
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| Deputy M.B. Andrews | | | | |

Do you propose them in Third Reading, Minister?

3.6 Deputy L.V. Feltham:

Yes, Sir.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak, then I close the debate. I am assuming the appel is called for again, so I ask the Greffier to open the voting on the adoption of the regulations in Third Reading. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

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4. Reporting on Ministerial Affairs (P.71/2024)

The Bailiff:

The next item of public business is Reporting on Ministerial Affairs, P.71, lodged by Deputy Moore and the main responder is the Chief Minister. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Chief Minister to update the Codes of Conduct and Practice for Ministers and Assistant Ministers before 31st December 2024, to enable new practices to be implemented on 1st January 2025, to include the requirement for (a) details of all external meetings attended by Ministers and Assistant Ministers to be published monthly in arrears on the Government website; and (b) details of all off-Island travel by Ministers and Assistant Ministers, including the costs incurred, to be published within 30 days of return to the Island on the Government website.

4.1 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

This is a simple proposition to support openness and transparency in our system. Many people I have consulted consider the proposition to be a no-brainer. These measures are in place in most jurisdictions, both large and small, from the E.U. to the Isle of Man and it is something that is easily achievable. It is a pity that the Government has adopted a negative position in their comments. They state that the timeframe is difficult but this proposition was lodged on 11th October. If time was genuinely an issue they could have amended this proposition; there has been plenty of time. Instead it is easy to conclude that they choose to oppose for opposition's sake. Of course that only causes people to wonder what it is that they are trying to hide; that is how the public outside will feel. Why is it that this Government does not widely use social media or communicate regularly with its public? It is essential to communicate clearly and excessively with the public to help them to understand the roles of Government, the priorities of Government and to provide reassurance as to the priority of Government. As it stands, the Island sits at the bottom of the O.E.C.D.'s (Organisation for Economic Co-operation and Development) league table that measures civic engagement. Do the Government not want to turn that around? This is a poor sign, in my view, of the state of health of our democracy and I would hope that the Government works hard to rebuild the trust and confidence of the public by improving its communications with them. Indeed, this morning we have seen the publication of the Jersey Opinion and Lifestyle Survey, the most recent one, which, again, shows that this very Assembly is the least trusted organisation in the Island. That is a sad state of affairs and this proposition offers an opportunity to Members to help to turn that around. I will now speak more

specifically to the comments which suggest, for example, that there would be cost involved. As stipulated in my proposition, I believe that there is adequate resource which is willing and able to deliver on this simple request. It would be quite simple to develop an addition to the Code of Ministerial Conduct to provide guidelines that set simple expectations on this. It does not need to go to P.P.C. for deliberation; that is, I am afraid, quite simply a delay tactic. What a Minister does and does not do on a daily basis is a matter for everyone; that is what identifies their priorities. It reveals the action behind the big words. It demonstrates how the people are represented by those who are in the room for them. Of course different Ministers behave in different ways. As the comments reveal, some prefer off-site meetings or phone calls. It would perhaps be even more important in those circumstances that there is some record of those discussions, not of course the details but simply that a discussion on X or Y matter took place with A or B. The comments also suggest that this proposition asks for information relating to private interests. I do not believe that it does and I agree that officials are not expected to be involved with their Minister's private affairs. The comments also suggest that people should revert to the F.O.I. (freedom of information) system if they want to know about certain things. Firstly, the F.O.I. team are, I believe, kept quite busy enough and I am sure the Government would not want to prioritise expanding that team. Second, of course, if people do not know who a Minister is meeting, how can they ask an appropriate question? Finally, what is there to hide? The question for the Chief Minister today is really why not do this simple thing to help rebuild trust? Why not post about his meeting on social media, like former Chief Ministers have done? It is a sad state of affairs that this proposition has to be brought in the first place. It is even sadder that the Government cannot embrace it. As parliamentarians, we are committed to the Nolan Principles. This proposition relates to several aspects of those; openness, transparency, accountability and leadership. I ask Members to respect those values by adopting this proposition today.

The Bailiff:

Thank you very much. Is the proposition seconded? **[Seconded]**

4.1.1 Deputy L.J. Farnham of St. Helier Central:

The former Chief Minister makes a compelling argument for this, so much so that I wonder why she did not introduce it herself when she was leading the Government. Of course I do not accept the former Chief Minister's rhetoric in relation to the fact that we are opposing this for opposition's sake or we are trying to hide anything; just the opposite. This Government continues to work to improve transparency and we will continue to do so. The Council of Ministers are of the opinion that this proposition is not workable in the format in which it is presented. It is advisable to take time to properly consider the practicalities involved in implementing it, especially in relation to the publication of external meetings. The timescale proposed does not afford a sufficient time to do this. The Council of Ministers, therefore, are unable to support part (a) or part (b) of the proposition. Instead we would like to refer the matter to the Privileges and Procedures Committee and the Machinery of Government Sub-Committee for further discussion around the detail that would be required to introduce something, as proposed, successfully. A number of factors have been considered by the Council of Ministers in relation to the decision. One is the accessibility and proximity of the 49 elected Members in this Assembly to the electorate, which is one of the great strengths of our political system. It allows our parishioners and constituents direct and regular access to us, their elected representatives, should they wish at almost any time and we believe this is a most valued aspect of our democracy. This is not an argument against further transparency but rather an argument in favour of preserving the accessibility and proximity of our existing political system. It is not necessarily right for Jersey to import the practices developed of other jurisdictions, most notably in the larger jurisdictions with millions of people. We are an Island of tens of thousands of people. We need a process that specifically serves the requirements of our own citizens. The proposition restricts its scope to the Council of Ministers and Assistant Ministers who account for

only 21 of the 49 Members of the States. Given the visibility of all States Members in Jersey, it would certainly be appropriate, in our opinion, to consider this type of reporting to cover all Members' activities or at the very least Members on Scrutiny and other committees. Their work should be considered as equally important and of interest to the public.

[15:15]

Why just the Ministers and Assistant Ministers? Deputy Moore's proposition is unclear on several key points, for example, what is meant by the term "external meetings"? We need clarification whether this will include meetings outside the Minister's department or the Government more generally or does it mean external to Jersey? Does it mean off-Island? The treatment of meetings with constituents also needs to be clarified in terms of what could be reported. Should a reporting system include more informal meetings that were not prearranged? For example, should we record calls from organisations or individuals where detailed conversations are held or impromptu meetings at public events where discussions have strayed into an area of Ministerial Ministers' official business, as they often do? Will organisations and individuals be put off from meeting with Ministers because details of that meeting will be put in the public domain? Equally, will it encourage organisations and individuals to seek meetings with States Members because of the publicity it could generate? There are also data protection considerations. For example, would States Members need to disclose before every meeting that is subject to publication, including who attended and the nature of the meeting? There is also a need to give due consideration to the confidentiality, particularly when individuals wish to discuss highly-sensitive personal matters or when organisations want to discuss commercially-sensitive issues. The report accompanying the proposition also refers to publishing information solely for Ministerial business and professional activities. What does "professional activities" mean in this context? Is this the part of Ministerial business or is it distinct from Ministerial business? Is it to do with constituency work and, if so, in what way? The proposition does not provide sufficient time for all of these matters to be properly considered. It requires Ministers to implement any new arrangements by 1st January, which is too soon. In relation to travel, the Government already publishes information on off-Island trips, albeit not yet at the frequency proposed in the proposition. A provisional travel date for the year to date is appended to a comment that we presented. In January 2025, data will be published for the whole of 2024. The report covering 2023, the period of the previous Government, will also be published as soon as all of the information has been collated. We aim to present that information, regardless of this proposition, on a quarterly basis next year. To conclude, having considered the matter carefully, the Council of Ministers is not able to support this proposition at the present time in its present format. It is worth mentioning costs and resources and taking soundings from other jurisdictions and small jurisdictions, most recently at the British-Irish Council, for those jurisdictions that do this there is considerable resource involved. In our case it is not unmanageable, 21 Ministers' diaries to report upon is not an insignificant piece of work and will take time; there is no getting around that. Whether we think that is a good investment in time or not will depend upon the amount of detail, ultimately, we would decide to include. The Council of Ministers, as I have said, would like to discuss this with Privileges and Procedures and maybe put a bit more detail around it and once we have done that to bring something to the Assembly that would find a sensible position on this to improve transparency. On those grounds I respectfully ask Members to vote against the proposal and reject the proposition.

4.1.2 Deputy A.F. Curtis of St. Clement:

I was driven to put my light on because of the response from the Chief Minister, which I find interesting. I think I have mentioned it in the Assembly before, depending on how Members choose to take on a proposition, we make mountains out of molehills. In the response here we heard that, as written, the proposition is unworkable, is unclear. I do not necessarily see that. I would like, now that the Chief Minister has spoken, if any other Ministers could provide details. Because there is a huge lack of clarity that the Chief Minister says is not in here. I dare say to him that a protean

proposition could have in fact an equally protean implementation, one that is flexible to the requirements implemented by the Council of Ministers. I think I have used the word taking on varied shapes and forms and meanings accurately. But what I mean by that is in lieu of requiring the States to approve the practice and the processes, the concerns that the Chief Minister highlights, that of do we publish names, do we detail every meeting? That ball seems to be in the Council of Ministers' court, so to say. If they are concerned about the labour to do this, they can implement it efficiently. If they are concerned about challenges with how they can do good government, so to speak, to have meetings where they feel trust can be held, that is all within how one implements this. It could be as simple as a simple table saying meeting with a software consultancy company. That is not much detail but that is a detail. If the Assembly are unhappy with the form and format of that and of the implementation of that practice within the updated Code of Conduct and Practice for Ministers, they can then take that to the Assembly and change that. I think that the response on what is missing here is, in essence, that catch-22. If the Deputy who brought this had brought an attached annex or schedule to be appended to the Code of Practice, she would likely have been told to be binding the hands of the Council of Ministers in implementing this. In fact the ambiguity or openness perhaps lent to implementing it however one likes. Speaking to those who have been Ministers, present and former, I think there is concern about how this is implemented and I think that is a valid conversation to have. I think the timetable is overly ambitious and I do not think would be met frankly and I think that is a legitimate concern. If a Member wished to delay this and move this back, refer back to the Deputy, there are many activities to play. But I think the principle of a greater level of publicity is to meetings and the conduct of business by Ministers and Assistant Ministers, in particular, is a good thing to have. I do not think this is about overly watching and trying to have like a panopticon of Ministers where we have States Members and the public in the internal watchtower watching every Minister as they conduct their business. But I think it is about understanding how Ministers conduct their business, understanding, therefore, what business is being conducted or not being conducted. But I share the concerns that this should not be to the detail that we see in other Parliaments. I do not think we need every single name. I do not think in many cases we need to know the business that people are talking to. I think there are many cases where the entry will just be private meeting, and I think that is fine. I just think that the response requires a little more clarification and optimism from the Council of Ministers and maybe other Ministers who can speak. Lastly, on part (b), I have to fundamentally disagree with the Chief Minister in suggesting that quarterly publications are a good and sufficient idea. We have heard that we are trying to be efficient and embracing digital. A world in which reports are quarterly, half-yearly or yearly is no longer, in my view, required in any way and trackers and live publication is in many ways a far better way to do it. In fact many of us keep daily lists of what we do because it does not build up a pile of receipts at the end of the month or in this case a quarter. I would urge him to consider changing his position on part (b). I would ask Ministers to respond with their positive views on how part (a) could be implemented, even if they are to vote against it today.

4.1.3 Deputy J. Renouf of St. Brelade:

I think this really is a very simple step. The Chief Minister, I think - I do not know whether it is deliberate or not - has avoided, I think, the central points that lies behind this, which is that there is, first of all, at the highest level widespread cynicism, distrust and dislike for the way that politics is conducted in this Island. We do not have a great reputation. The body politic is regarded as problematic in many ways. One of the ways that you frequently hear, almost every day here, is a version of the idea that there are networks of power and privilege in this Island that give a bit more access to power to some people and individuals than to others and that that is indivisible; you cannot see it. In that darkness breeds suspicion and fear and negative feelings, negative emotions and we should have no fear, no fear at all about shining a light into that area so that the public can see who it is that Ministers mix with, how often they mix with certain people, how often they meet with people and organisations. Who are the people who have access to Ministers? Who are those organisations?

I think the Chief Minister put out a terrible red herring when he talked about why only Ministers. It is very clear why only Ministers. Ministers have power, Ministers make decisions, Ministers move money around; the rest of us do not. I personally would have no problem at all in sharing my diary. But the interest in it is likely to be much, much less than it would be in the interests of a Minister who has power. People are not so worried about what Back-Benchers do in that sense because we do not make those decisions. I think that is a really unfortunate comment from the Chief Minister because it does seem to suggest a lack of understanding of what lies behind this. We also heard the argument that because others do it we should not necessarily do it here ourselves. Of course that is absolutely right, we should not necessarily do it here. But we should have a very good reason why we should not if everybody else is doing it or a lot of other places are doing it. We should not just say: "Because we are different we will do things differently here." There needs to be a precise reason. Why? Why would we not? Why would the people in Jersey not have access to the kind of information that might be available everywhere else? What special reasons are there that might be that they should not have that light shone into the areas of public debate that they are interested in? I do not think the case has been made and I look forward to hearing the case made, why the people of Jersey should not have access to that information. The point was made, why did we not do this when we were in Government? That is an interesting question, we were in Government for just under 18 months, 19 months I think. Deputy Jeune and I talked about doing this very thing quite early on and we decided not to do it unilaterally. It would be something that we felt should be discussed with Ministerial colleagues and obviously we never saw out our term. We never had a chance to see how that would play out. But it was certainly something that was being discussed. I am absolutely sure that had we continued in Government certainly I would have tried to make it come to fruition because I believe in it. The idea of using freedom of information is a bit risible because the Freedom of Information Law takes a long time for it to take effect. It is a system that is overwhelmed as it is and it is not the point. The point is that Government should be proactive in being open. It seems to me from the comments paper and from the Chief Minister's speech that everyone is in favour of openness and transparency until it means doing something, until it makes teams taking a step, making a sacrifice, a small sacrifice. How difficult would it have been in practice? Certainly I thought about that when I was in Government. We each had a private secretary, sometimes shared but private secretaries and it is a very simple matter to say from now onwards our diaries will be public. However, I want to maintain relevant privacy. Can you advise me and I will advise you on which meetings should be redacted or should be recorded in a way that preserves confidentiality and so on? The Chief Minister says it takes time for all of this to work out. But I think Deputy Alex Curtis has made the point, the Government can do this, it can set its own rules. The proposition does not say exactly what has to be done.

[15:30]

The Chief Minister is entitled to say in response to this proposition: "We decided to do it this way." If the Assembly is not happy with that further propositions could be brought. But if you really want to do this it is something that you can do and it is not hard to do. Similarly, the question of January being a bit too soon, I honestly do not think that in this Assembly if the Chief Minister had stood up and said: "Look, we agree with this proposition, we think January is a bit soon. We would like to bring the first ideas, the first versions of this, maybe one or 2 Ministers doing it to begin with in January but then we will do the whole thing in March"; would anybody in the Assembly have thought that was fundamentally defeating the points of the proposition? I doubt it. I think it could have been done. It is a question of will. I am surprised that the Council of Ministers has by default slipped very casually, it seems to me, into a dismissal of this without appearing, certainly from the Chief Minister's speech, to understand the wellspring of where it comes from. It is a small step, it is not a hugely radical step. It is a step that loads of other jurisdictions have taken. We could Jerseyfy it in a way that we felt was appropriate in very simple and easy ways. It does not need P.P.C. to opine on it. It does not need non-Ministers to have to be dragged in and then duly dragged out again of the whole thing.

It just needs commitment and real commitment to openness and transparency. The public deserve to see who is having access to Ministers; that is the central point. Doing so might well allay a lot of those suspicions around those supposed networks of power and privilege that mean that people feel that unless you know the right person that there is all these people getting access to Ministers and things are being arranged behind the scenes. Easy to sort out if you have a bit of openness and transparency. I think this is a very, very simple proposition to support and I hope Members will do so.

4.1.4 Deputy P.M. Bailhache of St. Clement:

I agree with both the previous speakers. I think it is a rather disappointing response from the Government. Openness and transparency are important and it would have been so easy for the Government to have gathered itself some brownie points by accepting the proposition and explaining exactly how it was going to implement it. I accept certainly that there are data protection considerations and that the names of junior officials should not be included and non-Ministerial meetings should probably be excluded. But this surely is all within the province of Government to establish. I do not see what on earth this has to do with the Privileges and Procedures Committee. This is governmental business, it is for Government to decide how and in what respect it should put information about its business into the public domain. I have to say, despite those remarks, that I am reluctantly not going to support the proposition. The reason for that is one word, and I hope I am not being unduly legalistic but the proposition states in paragraph (a) that: "Details of all external meetings attended by Ministers should be published monthly." I think that goes too far. I think it is disappointing that the Chief Minister could not have lodged an amendment to this proposition to delete that word or to refine the proposition in some way as to make it absolutely clear that the Government retained the right to decide how and in what respect it was going to put this information into the public domain but it has not. But, as I say, reluctantly I am not going to support the proposition. But I repeat that I think that this is a disappointing response from a Government which purports to be transparent and open in its dealings.

Deputy P.F.C. Ozouf of St. Saviour:

Can I ask a point of order, Sir, or a point of clarification?

The Bailiff:

It is one or the other.

Deputy P.F.C. Ozouf:

It will be either, I will ask for clarification if I may.

The Bailiff:

Would you give way for a point of clarification?

Deputy P.F.C. Ozouf:

Can I just ask the speaker if he would accept or otherwise the fact that this is a request of the Chief Minister and it is not mandatory and we are not passing regulations? I do not understand why, if it all is capable of being interpreted by the Government and bringing back a position that is necessarily nugatory because this is a request. I would just maybe kindly ask the speaker, if I may.

Deputy P.M. Bailhache:

I accept what the Deputy has said. I think that is a very reasonable point and perhaps I ought to reconsider my position.

4.1.5 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

I am sorry I cannot be with you this afternoon, I am on childcare duties, someone is ill. The Chief Minister asked why all Members should not have to publish their calendars and who they are meeting. One word - Chief Minister and Ministers, one has the decision-making authority, the ultimate decision-making authority and because of that that is why this is being asked of Ministers and Chief Ministers - and that word is because of lobbying. We have not heard it yet, everyone had skirted I think so far in their speeches around using that word. But, ultimately, it is about lobbying. I have been in that lobbying sphere in Brussels, there are a huge amount of lobbyists in Brussels and it is really important to understand who is being lobbied and why and those decision-makers are being lobbied and why. I think with this proposition it is letting this Government or future Governments off lightly. We see in many jurisdictions and one that the proposer has listed in the report of her proposition, many Governments in the European Commission have to publish their meetings but why? Because behind it there is a Lobby Register Act, there is a law behind it. It is related to those who lobby have to be registered. I myself had to be a registered lobbyist in Brussels to be able to enter the European Commission building or the European Parliament building. Those meetings that I had with either the Members of the European Parliament or the commissioner, if I was granted that privilege in meeting a European commissioner or high-level officers, were recorded. This proposal is, I think, giving quite a lot of leeway for the Government to be able to. As Deputy Ozouf, I think, and Deputy Bailhache in the discussion that was just had, it gives a lot of leeway to the Government to decide how they want to do it. Because there is not an Act behind it, there is not a legislation behind this. It is not about the lobbyists having to register and that being the ones you have to then register and they are then published on a meeting schedule. I just looked at the Integrity Watch, it is called Integrity Watch E.U., where it shows all the commissioners, all the Cabinet Members who are hosting the lobbyists from the lobbyists registered and then it shows the top 10 organisations. The top one being Business Europe, which of course is a network of the biggest business incorporations in Europe. The next one down is the European Trade Union Confederation and the next one down is Google. It shows it is really important that that shows the kind of influence and access that those organisations have. I am glad to see that W.W.F. (World Wildlife Fund) is in the top 10, so it is not just about businesses, there are also non-governmental organisations having access as well. But it is able to give an overview of who has access and when, depending on what decisions are about to be made. To give an example for myself, as being part of the fair trade movement, businesses who are conducting trade under fair trade conditions, we were trying to access the Trade Commissioner of the time, Peter Mandelson, with very little success or very limited success; maybe only one meeting a year or 2 meetings a year. Yet we had the same kind of business associations having regular meetings with the same Trade Commissioner. We were able to use that to show and push for, why can we not be meeting the commissioner and put our points across in a business network as much as the others? I think it is really important to show why the proposer is asking for this. It is about transparency but, ultimately, is it because of who is influencing who? Deputy Renouf talked about this. Having been somebody who has been in that sphere, it is really important for that transparency. Again, to put the points across again like Deputy Ozouf pulls in that clarification and Deputy Bailhache's point about all meetings, this proposal lets the Government decide, rather than legislation that would prescribe very clearly and the Assembly would prescribe it very clearly through a legislative Act. I will be supporting this, as I think it is a very important proposal.

Deputy R.S. Kovacs of St. Saviour:

I do not want to speak at this time but I need a clarification from yourself on point (b), just because of the wording, they are not very clear to me. Can you clarify for us if by saying: "Details of all off-Island travel by Ministers and Assistant Ministers", instead of as Ministers and Assistant Ministers, would refer of personal travel of those Ministers as well?

The Bailiff:

I think Ministers and Assistant Ministers must refer not to specific individuals but those holding those Ministerial offices. In my view, a proper interpretation in context, although I accept that as a matter of plain English it could go further, but in context I would be minded to interpret that as only in their capacity as Ministers and Assistant Ministers. You do not wish to speak, Deputy Kovacs?

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

I am pleased to interject after a series of jeremiads about the state of the Government and, hopefully, to put perhaps a different complexion on how things are going. I certainly do not recognise the views of some of the early speakers talking about the terrible state in which the Government is held by the public. I must go to different wellsprings than Deputy Renouf. Because the feedback I am getting on the hopper bus at Parish lunches and in other places where I meet the community is that they are rather pleased that the new Government is getting on with things. They are certainly well aware of what the new Government is getting on with because there are lots of opportunities for the public to find out. Just to name a few, the quarterly meetings that Ministers hold with their Scrutiny Panels, the generous amount of question time that is allowed in our Parliament, both oral and written, the way that F.O.I. is now being used, in particular by the media, to find out all kinds of interesting facts, including off-Island travel and the cost thereof. Some Ministers will have been embarrassed perhaps or at least taken to task when these figures have been known.

[15:45]

I do not think there is any shortage at all of information about what Government is doing. At the same time there has been a deliberate attempt - and it is something that I believe was supported at the last election - by the new Government to spend less time and less money on spin. The Communication Department has been reduced in size and, inevitably, that is going to involve perhaps a little less time turning up information. It may involve fewer videos of the Chief Minister talking about what he is doing. But certainly as a reader of the local paper, I do not spend a lot of time on social media but I am certainly well aware of what our Ministers are doing, just as a member of the public. I am not sure the public wants to be told about every single external meeting that Ministers and Assistant Ministers are being involved in, which is what the proposition requires. Deputy Ozouf tried to re-interpret part (a) and say it is only a request but the request leads to a requirement at the end of that first paragraph. It is a request that leads to a requirement that the Government must because it is required to present details of every single external meeting on the website and all off-Island travel. I think that is excessive and I would encourage Deputy Bailhache to hold by his initial feeling that this is not going to be a useful amount of information to put in the public domain. I believe that we can rely on the processes we already have in place. I am sure every Minister and Assistant Minister believes they could do more and they could do better. There is no complacency in the comments by the Government. I would also just add in passing that of course the Parishes - and of course several Ministers and Assistant Ministers are involved, as Connétables - are very well aware of the need to keep parishioners involved and to provide parishioners with opportunities to attend open meetings and so on. I feel that this is just another attempt by those who were in Government to cast aspersions on those who are currently in Government and to suggest that they might have done things better. They had their chance and now I think you must let the current Government get on with the good job they are doing.

4.1.7 Deputy T.A. Coles of St. Helier South:

I rise as the chair of Machinery of Government P.P.C. Sub-Panel, just more to acknowledge that I think that Deputy Bailhache maybe answered his own question within his statement where he said he is not sure why this would need P.P.C. to look at it but he thinks that these go too far. With my panel we are quite and very willing to work with both Government and the bringer of this proposition to negotiate an area of how far we think that these recommendations should go. I am glad that I have a very extensive panel, I have also got Deputy Jeune, who has already spoken about the willingness

and want to be more open and transparent. I also have other current Ministers, Assistant Ministers, as well as other Back-Benchers. If the Government and the proposer of this proposition are willing to work with my panel, I am prepared to listen.

4.1.8 Deputy I. Gardiner of St. Helier North:

It probably will be less than a minute or 2. I would like to invite the St. Helier Constable to our surgeries that are taking place at the Town Hall on Fridays. Last Friday we did have a surgery and we did have questions. One of the questions probably I will pose is related to the Minister for Health and Social Services because one of the parishioners asked: "Can you please publish at least quarterly a report with what is happening with the hospital, how much money is spent and how was the progress?" I said: "Yes, hopefully we will have some progress." What I am trying to say, we are all welcoming transparency and there are parishioners who do ask questions, some are interested more, some are interested less. I assume that each of us has different experiences and different parishioners who come to talk to us. I think the Constable really missed the point about this Government or that Government and it is Government against the Government. For me it is nothing to do with this Government, nothing to do with the previous Government. If we decided today each and every Government going forward, regardless of who is in the Government, would need to produce it. It is not about specific Government, it is about transparency. By the way, for the Chief Minister, I do not have any problem; I will be very happy to publish my diary as the president of the Scrutiny Liaison Committee. If somebody would like to know which meetings I am having with which stakeholders are more than welcome. I do not think it is for the P.P.C. and I do believe it is simple things just to be there. If people would like to see it they will see it.

4.1.9 Deputy M.R. Scott of St. Brelade:

I heard the proposer of the proposition refer to the lack of trust that there is in the States Assembly, which has been an ongoing situation for quite a while, which I do not believe either the current Government can claim responsibility and perhaps neither the previous one. I do think that there is a general problem that can be perceived in the public where we might have posturing over problem-solving. The important thing, I think, about trust is that one has a consideration of the ethics that govern the conduct of this Assembly and also the public see a productive use of time. I can absolutely assure the States Assembly, having been in the Council of Ministers' meeting that considered this proposition, a lot of time was spent trying to understand it. I often say that it is actual objective, often I have said in Scrutiny just what is the problem statement here? What is the problem that this is trying to solve? Deputy Jeune mentioned this is about lobbying but I personally did not see that word mentioned in that proposition. If it is about lobbying then I think there are ways of dealing with that. Why would we just be talking about meetings? Why not phone calls? Yes, these are the questions that we seriously were considering to think, right, okay, what are we trying to do here? Perhaps it is unfortunate that the proposition referred to external meetings and off-Island travel. Does that mean off-Island meetings when we talk about external meetings or do we mean meetings that are not in the government building? It just was not particularly clear. That is the point at which it was suggested maybe the thing to do was to suggest that the Machinery of Government Panel look at this on behalf of the whole of the States Assembly and not through deflection but to have genuine consideration. I will state that I am a member of that panel and I have been honoured to serve Tom Coles in his capacity as chair. The serious consideration has been given to the matters that have been brought to the group's attention. I also have some Ministerial responsibility for data protection, so I am very much concerned and aware of that balance between privacy and being able to disclose information. There have been references to other jurisdictions; the proposition referred to Australia. Australia does not disclose what they call internal meetings, New Zealand does. Again, what is meant by that? Why was this particular jurisdiction honed in on? I invite the proposer to answer that. Why use Australia as an example of excellence rather than New Zealand? Because if you are going to suggest that something is done and if you are going to suggest that it is going to be value for money, do say

exactly specifically what you are trying to do. I do believe that would be helpful to the Machinery of Government Panel in its deliberations, should you do. But we do have this issue that we are a small island as well. It is quite easy to set hares running, so that is another thing to be borne in mind when you are disclosing who you are meeting with and whether they are going to be open and what interpretation can be given to it. I do think it does require careful thought. Ultimately, the States Assembly is the ultimate decision-maker, I will stress that, not the Council of Ministers. They answer to the States Assembly and that was another reason, I believe, where the Privileges and Procedures Committee and the Machinery of Government Panel does have a place in that. Therefore, I will not be supporting the former Chief Minister's proposition. In not supporting it, it is on the basis that I support the Machinery of Government Panel looking into it more to come up with something which perhaps is a bit more solution-focused.

The Bailiff:

Deputy Alex Curtis, do you have a ...

Deputy A.F. Curtis:

I had a question for you, Sir, on Standing Orders, if that is possible.

The Bailiff:

You are asking me for a ruling on a point of order.

Deputy A.F. Curtis:

Thank you, Sir.

The Bailiff:

What is the point of order?

Deputy A.F. Curtis:

Standing Order 85, proposal to move to next item. Given Members have highlighted - some of them - their broad agreement with this, albeit some challenges, if a Member were to bring a proposal to move to next item under Standing Order 85, when we move to an item, does that reopen the ability, like we debated on the reference back, for Members to bring amendments to fix the small issues that they might have highlighted? If not, if this is defeated, does Standing Order 20(3) apply? Which is: "A proposition cannot be the same or substantially the same." Would that prevent the Machinery of Government Sub-Committee bringing anything in the next 3 months?

The Bailiff:

I think the position is that if there is a proposition to move to the next item, then if that proposition is accepted by the Assembly, debate immediately ceases, then the next item is called. It is possible that this matter is brought back for debate and it can be brought back with amendments in the usual way. That, I think, is what the procedural position is. Does that answer your question sufficiently, Deputy?

Deputy A.F. Curtis:

Thank you, Sir.

4.1.10 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

I think this proposition misses one very, to me, quite obvious point. The proposition suggests that Back-Benchers and the public are interested in what Ministers do. In my experience, the public and Ministers are quite interested in what everybody does; they are interested. I have certainly had friends commenting on Back-Benchers' travel to things like C.P.A. (Commonwealth Parliamentary Association). They are very, very interested in what we all do, as are Ministers. I would be quite interested to know what some of the Back-Benchers are up to from time to time. Let me give you an

example. Not that long ago we were told by Deputy Gardiner that Deputy Moore was not in the Assembly because she was absent on States business. The following day she was still absent on States business and when pressed as to the reason we were told that Deputy Moore was attending a workshop arranged by the Speaker of the House of Commons. That to me sounds quite fascinating and I would be quite interested to know what that workshop was all about but that information has not been shared with us. Back-Benchers do travel and if the States are paying then that should also be reported on a regular basis. We are entitled to know, everybody should know where people are travelling and what they are doing.

[16:00]

Ministers may well be lobbied but it is quite clear, if you look at some of the amendments being brought forward, that Back-Benchers are also lobbied by external organisations and perhaps lobby others, as do Scrutiny Panels, Constables may be lobbied by people within their own Parishes and more widely. I have 2 main issues with this. One, what is an external meeting? If I go to lunch with a friend and they tell me at length about issues they have had and they are not necessarily asking me to do anything, but they tell me at length about issues they have had with taxes or social security and I come back and ask the team to perhaps address that particular issue, is that a meeting that has to be declared, when it has been completely informal and a casual conversation? When I go to a business meeting, as I did quite recently, and at the end of it someone drew me to one side and said: "Here is a bit of an issue, can you help? It needs to be sorted." I arranged a meeting to help sort it. Does that all have to be declared? We have a lot of informal conversations and some of those we then take forward by way of action, others we may tell people about. This will create work; compiling lists of meetings, who attended, dealing with issues of confidentiality. It will add to the burden of the Ministerial support staff. The Deputy mentioned we need more communication. Does she suggest that we go and re-recruit the people that have been made redundant recently from the comms team, who we have heard for some time are far too big and far too bloated, and we do not need all the coms team? If we are going to communicate more then we need more people in comms. This does not go far enough. It needs to capture everybody. There is no reason why Back-Benchers should not publish their diaries, subject to exactly the same rules as to confidentiality and purpose. There is no reason why all travel by any Member of this Assembly should not be reported, perhaps via the Greffe. That will then create more work for the Greffe, to capture all that information and publish it if it is not done already. A.P.F. (Assemblée Parlementaire de la Francophonie), C.P.A., there are a lot of things the public are very interested in and those should not be ignored.

4.1.11 Deputy M. Tadier of S. Brelade:

A number of years ago one of my election slogans was, if anyone is interested, the alliteration: "Vote Tadier for trust, transparency and teamwork, not necessarily in that order." Those are 3 principles which are still important to me. I find myself a bit in the same position as Deputy Bailhache here, because the principle is absolutely clear, that what we have in front of us is a call for greater transparency and information to be put out in the public domain by the proposer. There are 2 things I would say. The first thing I would say is to respond to Deputy Millar. There is a difference between Government and Back-Benchers. Government enjoy a higher level of autonomy, for example, in terms of their spending. States Members travel and attendance at conferences and workshops might be of public interest, and it is quite right that they should be. We do not decide to do that off our own bat. There is normally an application process and we go to do a specific piece of work, which is both part of our professional development and also because we have been asked to engage in various seminars and represent Jersey and the Assembly at those places. It is right that we do get F.O.I. requests as to the spending for those. However, Government Ministers can, I am not going to say at a whim, decide that they want to travel to attend in a much more autonomous way than Back-Benchers ever can. I do not know why, but somebody sent me some information and explained about how much Ministers can spend. They sent me an article from 30th June 2017. It is quite remarkable.

There was one Minister at the time who between 2014 and 2016, I will not name anyone, but the *Bailiwick Express* reported that the former Minister spent £52,745 on his States card with more than a fifth of that, so £11,000 used to pay for goods and services, many personal, which he later refunded. It is a remarkable amount of money. I know that is a saga which has been well-publicised. It is important that Ministers, whether that is now ... because this is going to apply to not just current Ministers, it will apply to Ministers in the future when they are spending money on their States credit cards, which ordinary Back-Benchers, incidentally, do not have. There is a distinction there to be made as well, that it is a matter of public interest. The next point to say is that it is important that the value of what Government does and Back-Benchers do is also publicised, because that is the harder message to get out. The media are quite interested in the financial bottom line that is spent, but less so on what it is spent for. This is where the idea of publishing meetings is correct. It may be something of a procedural technicality, but the first question that is asked during Question Time in the House of Commons is: what are the Prime Minister's plans for the day? It is not asking if he is going out to lunch or have a cream tea somewhere around Westminster, it is: what are your meetings for the day? He will normally give quite a generic answer, but symbolically that is important, because there has been a presumption all around the world and in parliaments for Ministers to be more transparent and more open. I could look at this and say there are a couple of words here that I do not like. What we have to remember in this is the spirit of what we are voting on today, as in the previous debate, is one of principle. The principle here at stake is transparency. It does ask the Ministers to go away and say: what can you put in the public domain? This whole concept, which Deputy Renouf touched on, of undue influence is one that is critical. There will, of course, be a balance to be struck between ... we would not expect Ministers to simply publish meetings and details of who they are meeting with if it is, for example, on a constituency basis. We recognise the fact that they are not just Ministers, they also are constituents, or Parish representatives in some case. The confidentiality about who you meet with, there is a balance to be struck there. Sometimes the purpose of the meeting could straddle business interests and personal interests. We know that whoever comes to talk to us, they will be trying to influence us potentially in one way or another, sometimes it is to do something for them very legitimately on a personal basis to do with a States department they are trying to interact with. or it could be to do with more personal financial interests. That latter point is what needs to be drawn out about how it is right that Government talks to all sorts of people and listens to businesses, for example, who might seek to influence us. We have seen this, for example, with the wind farm. That line between people who are experts in certain areas often also have a financial interest and the 2 do overlap. For what it is worth, I am willing to support this proposition and for Government to come back and say what they can realistically do. It is not ideal, but we know that Government often take Back-Bench propositions and say: "We cannot quite do that, but we think we can do this." I suspect, in reality, there will be some discussion between the mover of this proposition, the Chief Minister and P.P.C. as necessary, to find out what is reasonable and practical and what meets the spirit of what we are voting for today.

4.1.12 Deputy S.Y. Mézec of St. Helier South:

I have taken some notes as speakers have contributed in this debate of some phrases that stuck out to me. The first one I want to start with was said by Deputy Renouf, who said that the case had not been made as to why the public should not have access to this information. There is a simple reason why that case has not been made and it is because it is not the case of the Government that the public should not have this information. It seems to me the case of the Government is that more transparency is good and right, so let us do it properly and let us not do it to a timetable, which if my calculation is correct, would give us 12 days to put this regime in place. That is why the suggestion which has come from Government is that the P.P.C. Machinery of Government Sub-Committee ought to look at it. That is a committee made up of both Government and non-Government Members, chaired by Deputy Coles, who I have absolute faith in to do a good job on this. He is somebody who is good at coming up with practical solutions to practical problems. I look at what the proposition is asking for:

details of all off-Island travel by Ministers and Assistant Ministers. No problem with that. That ought to be a given. There is already a regime in place for doing that. I do not think it has always necessarily been followed through in the past. That needs to be improved. That ought to become business as usual. That is fine. Also, details of all external meetings attended by the Ministers and Assistant Ministers to be published monthly in arrears on the government website. Again, I am completely fine with that in principle. In fact, I have to confess, a few years ago I briefly considered bringing a proposition to the Assembly to achieve the same thing. The problem there though is that while it is absolutely right that we have some form of publication that says what official meetings Ministers and Assistant Ministers have been having, the problem is what about the unofficial meetings and the other forms of communication that we get. That would technically meet the spirit of what this proposition is trying to get at. Deputy Gardiner mentioned her constituency surgeries. I have been doing constituency surgeries more or less every week for the last 4 years now. I have found recently - surprise, surprise - that some people come to my constituency surgery who are not constituents, but who want to talk to me about housing stuff. I have tried to keep my constituency business separate to my Ministerial business. My private secretary does not attend my constituency surgeries with me. If it is to be the case that people wanting to access me in my Ministerial capacity without having to go through getting a proper appointment booked in the diary, but to drop in an informal context, they may be contributing at that meeting the exact kind of things that we would want to be transparently noted down somewhere else. I can easily have at a constituency surgery somebody come to me who is there to lobby on a political issue or someone who wants to speak specifically about a housing thing. If it is to be the case that that ought to be included in the scope then I need a process in place to do that, because that is different to what I have done with constituency surgeries in the last few years, because they have been an informal thing, literally for a long time, me sat in a café ready to hear whoever wants to come and talk to me. If that is to be a forum that, in some shape or form, needs to be in the scope of this, so that there is genuine transparency, we need to think about it. Otherwise we run the risk of an informal system arranging, notes not properly being taken, things not properly being filed into the system, which would give rise to all sorts of inadvertent breaches of the Code of Conduct. It would be in nobody's interests to make that overcomplicated. Of course, we get spoken to at all sorts of engagements that we attend for other reasons. We get invited to functions or other events and people who may see us may think: "Oh, since you are here, I will have a chat about something", and it might be directly to do with the Ministerial portfolio. Again, how do we record that and make sure it is included in the scope of this? These are legitimate questions to consider and I do not think 12 days is long enough for that. Deputy Jeune, I did not get the exact wording for what she said, but the gist of it was that she suggested that it was right that the supply with priority to Ministers and Assistant Ministers is because we are decision-makers. Everybody in this Assembly is a decision-maker. Ultimately, any Ministerial Decision can be overridden by this Assembly. We know that there are people who quite fairly in a democratic society go to speak to their local representatives because they want to lobby them on a political issue that is important to them. It is not just case work, it is political lobbying. Some people do that as individuals and some people do it in a capacity with a particular organisation that they are involved in, an organisation which may have a vested interest in the subjects that they want to discuss them with. Those Members can vote on those issues in the Assembly, exert influence and ultimately decide what the law of the land is.

[16:15]

Should there not be some consideration as to what scope that features into it? We are all decision-makers and this Assembly is the Sovereign decision-making body of the Island, not the Council of Ministers, which only has responsibilities that this Assembly decides we have and it can overrule our decisions anyway. It is not right to suggest that Back-Benchers or Scrutiny chairs or people in other capacities should not be included in the scope of this at all. I will leave it at that. There were a few points made in the opening remarks which did make me grin a little bit, because of the sense of irony

I picked up from them, but I do not want to make too much of a point about that because there is a constructive way forward here, which is that this proposition is taken off the table in one way or another. One Member suggested a way that that could be helpfully done: the proposer of the proposition could ask leave of the Assembly to withdraw it and then be brought into the tent with Government and with the Machinery of Government Sub-Panel to talk about how we get the intentions behind this put forward in a decent system that we can have confidence would be implemented and is fit for purpose as soon as possible. Doing it in these strict terms with 12 working days of this year left before the deadline is met for this, when there are so many other things to consider, where or where they do not fall into the scope of parts (a) and (b) on this, strikes me as a much more sensible and pragmatic way forward. I would urge Members to give consideration to that way forward, rather than what is strictly what is being asked for: to vote in favour of this proposition, given all the implications that would have.

Deputy A.F. Curtis:

I have checked, 12 Members have spoken so far. I believe the convention is typically 10 Members of a diverse range of the Assembly, and as such, I would like to propose under Standing Order 85 a proposal to move to the next item, under leave that you judge, Sir, that: “85(2) The Presiding Officer shall not allow the proposal if it appears to him or her that it is an abuse of the minority.” I would like to check if it is valid, right now, to bring that, Sir.

The Bailiff:

You are asking for leave to bring a proposition to move to the next item. The position is that a significant number have spoken. Indeed, 12 people have spoken. In my view, therefore, it is not prejudicial to the rights of a minority, a sufficient number of people have been allowed to speak. The proposition is therefore in order. Is it seconded? **[Seconded]** I put it now to the vote, without debate. There is no debate on this proposition. The position is that I invite Members to return to their seat. We will do it on the appel. A vote pour means that we will move to the next item and this proposition will stop being debated and we will move on to the next thing. A vote contre means we continue with the debate. With that in mind, I ask the Greffier to open the vote and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The proposition has been adopted.

| POUR: 34 | | CONTRE: 10 | | ABSTAIN: 1 |
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| Connétable of St. Helier | | Connétable of St. Lawrence | | Deputy P.F.C. Ozouf |
| Connétable of Trinity | | Connétable of St. Brelade | | |
| Connétable of St. Peter | | Connétable of St. Ouen | | |
| Connétable of St. Martin | | Deputy G.P. Southern | | |
| Connétable of St. John | | Deputy M. Tadier | | |
| Connétable of St. Clement | | Deputy I.J. Gorst | | |
| Connétable of Grouville | | Deputy Sir P.M. Bailhache | | |
| Connétable of St. Mary | | Deputy B.B. de S.V.M. Porée | | |
| Connétable of St. Saviour | | Deputy C.D. Curtis | | |
| Deputy L.M.C. Doublet | | Deputy R.S. Kovacs | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |

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| Deputy S.Y. Mézec | | | | |
| Deputy T.A. Coles | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy M.B. Andrews | | | | |

5. Draft Limited Partnerships (Jersey) Amendment Law 202- (P.73/2024)

The Bailiff:

Accordingly now we move now to the next item of Public Business, the Draft Limited Partnership (Jersey) Amendment Law P.73 lodged by the Minister for External Relations. The main responder will be the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Limited Partnerships (Jersey) Amendment Law 202-. A law to make minor amendments to the Limited Partnership (Jersey) Law 1994. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

5.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (Assistant Minister for External Relations - rapporteur):

The draft amendment law proposes amendments to the Limited Partnerships (Jersey) Law 1994, which I will refer to for convenience as the L.P. (Limited Partnership) Law. Historically, the bankruptcy of a general partner of a limited partnership has always been included in Article 24 of the L.P. Law. However, this only covers terminal bankruptcy proceedings using the Interpretation (Jersey) Law 1954 definition of bankruptcy, which ultimately results in the final winding up of the company. Article 24 of the L.P. Law was amended in 2022 to permit not only body corporates to be

general partners to limited partnerships, but also unincorporated bodies. The terms “termination” and “insolvency” were included in some of the 2022 amendments, but it is now unclear to officials and members of the industry who were engaged in the legislation and policy development at the time as to why “insolvency” was also included in the final version adopted by the States. Insolvency is defined in Jersey legislation as “cash flow insolvency under Article 11 of the Bankruptcy (Désastre) (Jersey) Law 1990. This means that an entity is deemed to be insolvent when it is unable to pay its debts as they fall due. As a result of the insertion of the word “insolvency” to the L.P. Law in 2022, the cash flow insolvency of a general partner now results in the automatic winding up of a limited partnership. However, it can be difficult to establish from a factual perspective at what point the general partner becomes cashflow insolvent. Many alternative investment fund limited partnerships have special purpose vehicle general partners, who often rely on injections of capital as necessary from the parent company. The way in which such S.P.V. (special purpose vehicle) partners operate receiving funds as required is a common feature of such structures, relating to cash management and are not indicative of insolvency or lack of funds. It is, therefore, an unappealing technicality that a general partner could, under the current law, become temporarily insolvent while awaiting a further capital injection. The difficulty in establishing cashflow insolvency of a general partner is undesirable from a commercial and legal perspective causing uncertainty in respect of timing of an event which would trigger the winding up of the limited partnership. As part of the continuing work to ensure that the legislative framework supports the needs of the funds and private wealth sectors of our financial services industry these amendments are being proposed. They are essentially a matter of housekeeping supported by industry representatives.

The Bailiff:

Is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles? No Member wishes to speak on the principles. Very well, those in favour of adopting the principles kindly show. The appel is called for. I invite Members to return to their seats. The vote is on the principles of P.73. I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The principles have been adopted.

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| Deputy C.F. Labey | | | | |
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| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy P.F.C. Ozouf | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy R.S. Kovacs | | | | |
| Deputy K.M. Wilson | | | | |
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Deputy Wilson, you are a Member of the Economic and International Affairs Scrutiny Panel. Is the panel by any chance calling this in?

Deputy K.M. Wilson of St. Clement (Vice-Chair, Economic and International Affairs Scrutiny Panel):

No, Sir, it is not.

The Bailiff:

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

5.2 Deputy M.E. Millar:

Sir, may I propose the provisions of the Amendment Law *en bloc*, please?

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak then I close the debate. I assume the appel is called for and I ask Members to return to their seats. The vote is on the adoption of the law in Second Reading. I ask the Greffier to open

the voting and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The law is adopted in Second Reading.

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| POUR: 41 | | CONTRE: 0 | | ABSTAIN: 0 |
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| Deputy M.B. Andrews | | | | |

Do you move in Third Reading?

5.3 Deputy M.E. Millar:

Yes, please, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

5.3.1 Deputy P.F.C. Ozouf of St. Saviour:

Very briefly. It is the season of goodwill and one should take the opportunity of saying what a wonderful job the Minister for External Relations and the Minister for Treasury and Resources are doing. She is an expert in this subject and I am sure that she will do very well. That is probably not in order, but I am going to say it anyway. Thank you, through the Chair to thank the Minister.

The Bailiff:

Are you arguing that we should adopt the law in Third Reading or not?

Deputy P.F.C. Ozouf:

An overwhelming, yes.

The Bailiff:

Very well. Does any other Member wish to speak in third reading? If no other Member wishes to speak then I close the debate and call upon the Minister to respond.

5.3.2 Deputy M.E. Millar:

I thank the Deputy for his kind comments, which I am sure are appreciated by myself, the Minister for External Relations and Financial Services and all of the Financial Services team. It is nice to know that they are appreciated. I absolutely agree they are doing a sterling job. I propose the law. The appel is called for.

The Bailiff:

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

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6. Draft Employment and Discrimination Tribunal (Jersey) Amendment Regulations 202- (P.75/2024)

The Bailiff:

The next is the Draft Employment and Discrimination Tribunal (Jersey) Amendment Regulations P.75, lodged by the Minister for Social Security. The main responder is the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

The Draft Employment and Discrimination Tribunal (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 82 of the Employment (Jersey) Law 2003.

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

Sir, I believe I have to declare an interest. My wife earns some of her money from sitting on these panels.

The Bailiff:

Yes. I am going to have a look at what it is asking for. I am afraid things have speeded up a little bit as to whether that takes you out of the game or not, Deputy. One moment. Yes, that is a potential pecuniary advantage and therefore you should not be taking part. Thank you for that declaration, Deputy.

6.1 Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

The purpose of this very brief amendment is to tidy up the provision in regulations, which relate to the way in which new rates of remuneration for members of the Employment and Discrimination Tribunal are set. The current position is that the rates of remuneration are set out in the regulations, but there is no power within the regulations themselves for those rates to be amended. To confuse matters further, the regulations contain an order-making power for the Minister to set new rates of remuneration. I have recently exercised my order-making power to increase the rates which had remained at the level set out in the regulations for many years. There is clearly an anomaly which needs to be fixed. The draft amendment cures this anomaly by removing the rates from the regulations, but preserving the order-making power for the Minister to determine the new rates. As the explanatory note makes clear, this will prevent out-of-date rates in the regulations conflicting with the rates set out in the order. In my view, this is a common sense and uncontroversial change and I maintain the principles.

[16:30]

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? No Member wishes to speak on the principles. I close the debate. Those in favour of adopting the principles kindly show. The appel is called for. I invite Members to return to their seats. The vote is on the principles. I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The principles have been adopted.

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| Deputy M.R. Le Hegarat | | | | |
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Deputy Doublet does your panel wish to call the matter in?

Deputy L.M.C. Doublet of St. Saviour (Chair, Health and Social Security Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

How do you wish to deal in Second Reading, Minister?

6.2 Deputy L.V. Feltham:

En bloc, please.

The Bailiff:

Are the regulations seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak then I close the debate. Those in favour of adopting in Second Reading kindly show. The appel is called for. I ask the Greffier to open the voting. The vote is on the Second Reading. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The regulations are adopted in Second Reading.

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Do you move in Third Reading, Minister?

6.3 Deputy L.V. Feltham:

Yes, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, I close the debate. Those in favour of adopting in Third Reading kindly show. The appel is called for. I ask the Greffier to open the voting. The vote is on the Third Reading. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

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7. Amendment to Standing Orders - Miscellaneous Amendments (P.76/2024)

The Bailiff:

We now move to Amendment to Standing Orders - Miscellaneous Amendments P.76, lodged by the P.P.C. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect.

7.1 Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):

I believe that the report with this proposition is extremely clear and uncontroversial. However, I may be proved wrong during the debate. These amendments to Standing Orders include a number of minor changes identified by P.P.C. The committee has agreed that, in future, amendments such as these should be grouped together in this way and brought for debate at the end of each session in December and July. These particular amendments will remove provisions that are now out of date or that do not reflect current practice, including the following. The minimum lodging period for a proposition to remove a Minister, this is now a power which the Chief Minister has and the provision in Standing Orders is redundant. The terms of reference for P.P.C. will be updated to remove responsibility for the freedom of information and engagement about the work of the Council of Ministers. Both of which now clearly fall within the responsibilities of the Government. An existing provision for a weekly publications list to be produced by the States Greffier would be removed. This is no longer current practice and is redundant, given the existence of the States Assembly website. These amendments will also update the titles of Ministers and Standing Orders to reflect those currently used. Finally, a change will be made to the process that applies when the Assembly selects the chairs of various committees and panels. This last change stems from a suggestion made to the committee by Deputy Tadier. At present, when there is a selection process required to appoint a chair, the candidates speak in the order of which they are nominated. In order to ensure that no perceived advantage comes from being the first nominated, in future the speaking order would be determined by lots, as already happens when the Assembly selects a Chief Minister. This change would not apply to Ministerial elections, however, where the Chief Minister's nominees would continue to speak first, but it would apply to all the chairs covered by Standing Orders.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, I close the debate. Those in favour of adopting kindly show. The appel is called for? I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption of P.76. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The proposition has been adopted.

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| Deputy C.F. Labey | | | | |
| Deputy M. Tadier | | | | |
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8. Draft Single-Use Plastics Etc. (Restrictions) (Jersey) Amendment Law 202- (P.77/2024)

The Bailiff:

The next item is Draft Single Use Plastics Etc. (Restrictions) (Jersey) Amendment Law 202-, P.77, lodged by the Minister for Infrastructure. The main responder is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Single Use Plastics Etc. (Restrictions) (Jersey) Amendment Law 202-. A law to amend the Single-Use Plastics Etc. (Restrictions) (Jersey) Law 2021 to prohibit importing and supplying single-use vapes by traders and individuals, to add categories of prohibited carrier bags, and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

8.1 Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

This draft amendment law, if adopted, would meet a commitment that I made along with the Minister for the Environment to address the environmental impact of single-use vapes. Accordingly, the amended law would implement a ban on single-use vapes in Jersey. Our neighbours in England, Scotland, Wales, Guernsey and France have all similarly announced plans or agreed legislation to ban single-use vapes in their jurisdictions. In my view, and I hope Members will agree, it is right for Jersey to be aligned with them. This legislation would indeed put us ahead of some other countries. The proposed ban will apply to individuals and traders, prohibiting the importation and supply of single-use vapes on the Island. By their nature, they are not designed to be refilled or recharged. They are a disposable device, designed for a limited lifespan and are typically used and thrown away within a few days. This is a misuse of the finite resources that are required to manufacture these devices, as well as creating a waste stream which is problematic and costly to manage. I am conscious of questions or arguments that might be made regarding individual freedoms and liberty. This is a Government intervention to ban a product that might not rest easy with some philosophical outlooks. We are not banning vaping. There are various alternative devices available which will allow people to continue to vape, should they choose to do so. The freedom of liberty to choose to vape and, by association, choose to actively damage one's health remains open to Islanders over the age of 18. On balance, with the alternative options available, it is a proportionate measure to ban single-use vapes, given the immediate environment benefits that will occur to all Islanders regardless of whether they vape or not. This policy and draft legislation has been developed across Government and following consultation. We have involved the waste and recycling team in my department, Trading Standards, Customs, Health and Treasury. A consultation ran for 6 weeks at the end of March this year, engaging supermarkets, convenience stores, forecourts and specialist vape shops through an online survey and stakeholder meetings. Relevant representative bodies were also contacted. When we consider the time that will be required for this legislation to come into force, it is likely that it will have taken 12 months between our first engagement with retailers and the eventual enactment of this legislation, if approved. The purpose of the Single-Use Plastics Law is to reduce waste, increase reuse and support our Carbon Neutral Strategy. It is therefore appropriate that a ban on single-use vapes, which has the aim of seeking to address the environmental damage they cause, is delivered through an amendment to this legislation. I am happy to cover the specific details of law at Second Reading. In summary though, the law prohibits the importation supply of single-use vapes by individuals and traders. It therefore outlaws any form of trade of single-use vapes to and within Jersey. A single-use vape is defined as being a vape that is not intended to be reused, refilled or recharged or have its core replaced

in the normal course of use. There are no exemptions to the proposed ban, save that single-use refills in rechargeable devices will still be allowed. These single-use refill pods are required in certain settings, mainly for security purposes, and are an easier refill than manually refilling a tank with an e-liquid. There are some members of our community who need to use these single-use pods in order to vape. To outlaw these as well would, in our view, overly impact on accessibility and ultimately their right to vape, should they wish. It is for that reason that the legislation makes this one minor exemption. In terms of enforcement, this new legislation will clearly require enforcement, in this instance by Customs and by Trading Standards. Illegal or banned goods can and will be ceased by Customs at our ports of entry. Traders can also be issued with a prohibition notice, failure with which to comply would lead to a fine of up to £1,000. We will be enforcing this legislation if it is adopted, but there is no provision to make criminals out of this legislation. A fine is the extent of the sanction proposed. I believe this recourse is proportionate for this type of offence, were it to take place. I am assured that these will, in any event, be the final steps in the enforcement process. We will be engaging, explaining and encouraging first. Penalties will only be incurred if this approach fails. Before closing, I would like to thank the Environment and Infrastructure Scrutiny Panel for their engagement and challenge on this issue, which has been helpful to me and my officers. I appreciate the panel's comments and we have shared the ambition for further progress in reducing the use of disposable items and finding a way of keeping on top of developments and the use of materials. Should Members adopt the draft law today, the process for Royal assent and Royal Court registration will then commence. The legislation then requires a commencement order from the Minister, which will allow us to ensure that everything is in place to proceed and gives clarity to all parties as to when the ban on importation and supply will begin. I move the principles, Sir.

The Bailiff:

Thank you very much, Minister. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

8.1.1 Deputy I. Gardiner of St. Helier North:

I am welcoming this legislation coming forward. I am grateful to the Minister for Infrastructure and the Minister for the Environment. It was a commitment. I am thinking that it moved much faster than the first legislation for the single-use bans that we started to debate. For me, especially when I look at the numbers of young people, 58 per cent of year 12 tried e-vapes. I remember visiting Hautlieu School when the school council said: "Young people are smoking. What are you doing?" It was just under a year ago and here we are introducing this. I hope it will be introduced quicker. I am really welcoming it. If I am going from the smoke to the single-use plastic, this Assembly came a long way. I am looking to the ex-Minister for Infrastructure, Constable of St. Saviour, when I remember the first engagement and the first meeting with the officers, who said: "We never ban anything in Jersey, Deputy. Why do you want to ban?"

[16:45]

Yet here we are. We have primary legislation that we can add things and move things quicker when we feel it is important. Thank you to the Constable of St. Saviour, because it took 2½ years, but we are where we are and we have good primary legislation that we can continue to adopt. I would encourage Ministers to look further, as we know other jurisdictions use this type of legislation to improve their environment. Thank you again, and I will be supporting.

8.1.2 Deputy J. Renouf of St. Brelade:

I would like to congratulate the Government and Ministers for bringing this. It is an excellent piece of work. It has been done in a timely fashion. It is good to see continuity across administrations on issues where there is widespread agreement in society, and I would like to note that. I would say I was proud to announce the first steps towards this when I was Minister along with the then Minister

for Infrastructure, Deputy Binet. We made that announcement when we were in the first year of our office, maybe just after. I would also like to acknowledge the support of the then Chief Minister in doing that. That symbolises the fact that there has been widespread agreement around the aims and ambitions of this. I come at this first, at least, from an environmental perspective. What we are talking about here is a product that uses an element, lithium, that is vital for the development of battery technology, current battery technology and the electrification of the economy that is proceeding as part of the net zero agenda. The problem with single-use vapes in this context is that they are a total waste of that element. They take the mined element, break it up into micro fragments, put them in a single-use product, which is then either put into landfill or burned or otherwise lost. I would like to make the point that this is part of a bigger picture, of the need to move to a circular economy. We need to do that as an Island, an Island with scarce resources. The more we can reuse the better, certainly in terms of elements, building materials, wood and so on. These are principles that apply well beyond this particular piece of legislation. It is an expression of a wider philosophy that I hope is becoming more embedded. It is also reflective of traditional Jersey values, of self-sufficiency and so on. It is also true at a global level, if we did not pass this, we would be part of weak link, where we would be allowing the destruction of elements that are of critical importance. That would not be good. It would not be a good look. It would also not be good for the planet. I wholeheartedly support this from an environment perspective. I do also come at it from the health perspective. I am very aware, with teenage sons, of the attractions of the single-use vapes as a product marketed at children, as a gateway potentially into smoking. It is also relatively cheap and therefore accessible. From the health perspective as well, we have every reason to do this. It is therefore a piece of proportionate and sensible regulation. As I say, I would like to congratulate the relevant Ministers for bringing this forward.

8.1.3 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

I will keep this short. I am speaking as the chair of the Environment, Housing and Infrastructure Panel. The panel is very supportive of the aim of this amendment to enact a ban on single-use vapes. We urge Members to support this timely amendment. This is a step, as the Minister said in his opening speech, that many jurisdictions are about to or have banned single-use vapes. We are following those other jurisdictions in understanding the impact of single-use vapes. Many Members have already spoken about why it is important to move to ban vapes, especially because of the lithium battery and the metals that are used within the single-use vapes and the huge challenges for recycling, rubbish and littering. We went as a panel to La Collette to see the recycling area and we saw the collection of single-use vapes there. There is a big pile and they are trying to work out what to do with those single-use vapes and the small lithium batteries within them. It is important to understand that impact. As Deputy Renouf said, it is very attractive to young people. With disposable vapes being cheaper and the flavours being more frequently designed to appeal to young people it is important that we do this ban. I hope that this ban not only is now, but also that the Government looks at this from a public health perspective and extends this for health reasons as well and looks at it from the health impact beyond this specific amendment to the legislation. The panel would like to hear from the Minister on whether there is the potential to widen this legislation further in the future to include other disposable products. Also, if there are any steps taken to ensure that if any changes in materials used by manufacturers of vapes will be captured by this or subsequent amendments or legislation changes, so that the legislation continues to be fit for purpose. We hear already that vape manufacturers are adapting the material of the vapes to try to get around some of these bans that have come in in other jurisdictions and bigger jurisdictions. The panel would want to hear from the Minister on that, how wide this legislation can capture those changes in material.

8.1.4 Deputy A. Howell of St. John, St. Lawrence and Trinity:

I would like to thank everyone who has helped to bring this ban. It is especially good for the health of our young people. Vaping was introduced to help those trying to give up smoking and it seems to

have morphed into something with bubble gum and cherry flavours, brightly coloured, which is attractive to our young people. This is a positive move and action from this Government to help our young people and to help our environment. I thank the Minister very much for bringing it.

8.1.5 Deputy P.F.C. Ozouf of St. Saviour:

I would like to take this opportunity of thanking the incredible staff at the La Collette Recycling Centre who will be implementing this. I have had the occasion of having to go down there to do deliveries. I must say, each time that I have been down there struggling with all sorts of items, whether they be reusable vapes or otherwise, they have been fantastic. I am sure that they will take this in the spirit in which this Assembly is going to give endorsement of them. What Jersey does and what those individuals, they know who they are ... some of whom have recently celebrated 30 years of services. Those individuals down there will appreciate this Assembly's absolute support and commitment to doing what they do and give them the opportunity of having a shout out for once. I hope that is appropriate, Sir. [Approbation]

8.1.6 Deputy M. Tadier of St. Brelade:

I am supporting this on balance. It is the right thing to do for many reasons that have already been outlined. However, there are some considerations that need to be put on record. The first thing is this product would not be being banned if it were not for the overriding health considerations. The prime driver for this is health, not because we care about reducing plastics. Otherwise we would be also looking at plastic cups and the vast multitude of waste that is produced by our supermarkets, which does not seem to have changed, even though the message has long got out that plastics and excessive wrapping is not a good thing. I do not want to make this speech about whataboutism, but I would put the question to the Minister about those other products. In fact, to what extent and what other products are on the list for banning? We need to be honest about what this is about. The prime driver for this is health. That is right, but it adds confusion when it is being brought forward by the Minister for Infrastructure as something within the single-use plastics law. I suspect if it was not a vape, if it was a single-use plastic which contained coffee ... and there are lots of examples of coffee and tea being issued in single-use plastic cups even when they do not need to be. I have been in cafés where I am quite comfortable to sit down and it seems to be standard to issue drinks in non-reusable cups for convenience. That needs to be addressed equally. We also need to consider whether or not there are going to be unintended consequences. It is not a reason to not vote for this, but vapes are clearly an alternative to cigarettes. Hopefully, most young people will not wish to try either cigarettes or vapes, but if they cannot get their hands on single-use vapes will they consider trying or going back to cigarettes? Will it be single-use cigarettes that are passed round the bike sheds at the schools or on the beachfronts or wherever they are rather than vapes? What are the consequences for that? Are cigarettes worse than vapes? I think they are, on balance. Of course, you can get hold of cigarettes in bigger quantities. If you come from a family that smokes, you can probably easily steal a couple of cigarettes off your parents. Single-use vapes are clearly a currency, if that is the right ... or phenomenon with some young people. Is the message that we want young people who are vaping to use rechargeable vapes? Is that the message that Government is giving out in banning single-use vapes or are we saying that they should not vape at all? What is the relationship between young people and that possibility? Lastly, again, it is whataboutism, but I will raise the issue of single-use cigarettes. All cigarettes are single-use. When they get thrown away, the cigarette butts have something called cellulose acetate in it which is a form of plastic. It is somewhat biodegradable, but the estimates are that it can take anywhere from 18 months to a number of years for those cigarette butts to degrade. It is not possible to recycle them and they end up in the sewerage system, often on the beach and affect the wildlife, as well as having to be cleaned up in our capital and elsewhere. What consideration is being given to that, given that both young people and old people can smoke single-use cigarettes without any consequence for littering? That needs to be looked into. Is the idea that maybe we should be encouraging pipes to come back into fashion. There are some great

examples of statesmen, as they probably were, on both sides of the political divide, in the U.K., who were iconic with their pipes. I can think of a great socialist as well as a great wartime leader who had those pipes. The beauty of a pipe is it is reusable. If the driver is not health but to reduce single-use items which contain plastic, maybe the Minister for Infrastructure should be banging the drum for bringing back pipes, the type of pipes that you can fill with tobacco. The overall message is one of health and reduction in plastic, therefore, it would be good for a unified position to come, which says we want to reduce all types of single-use plastic, even if it means that we have to start having difficult conversations with retailers about how they manage their products, as well as what we think is right in terms of allowing companies to sell products that are ultimately harmful for young people or for older people.

8.1.7 Deputy R.J. Ward of St. Helier Central:

I support this fully. I would make a couple of points with regards those who deal with young people in our education system. Whenever something like this is introduced, they are, if you like, at the front line policing young people in delivering the ban. I would like to work with the Minister for Infrastructure and the Minister for the Environment to ensure schools have everything they need to inform young people. You have to start with young people, start really young. Tell them that these things are banned. Inform them, give them the information that they need and then perhaps we will have a generation where they are not popular but it is the right thing to do. I am not so sure whether I want them to be pipe smokers as well.

[17:00]

8.1.8 Connétable K.C. Lewis of St. Saviour:

I was inadvertently misquoted earlier on, saying I have never wanted to ban vapes. I have been speaking out against vapes for some years, especially the disposable ones, which will of course be supporting this, but especially when it concerns children with flavours like vanilla, popcorn, and toffee apple. They are definitely aimed at children and I do not think they could be banned fast enough. I understand even conventional cigarettes have some with vanilla flavours now to get young people hooked allegedly, so I will definitely be supporting this.

8.1.9 The Connétable R.D. Johnson of St. Mary:

Very briefly, my apologies to the chair of the Environment Panel if she did mention it, but I think she omitted to mention the panel's comments on this issue and for that I thank our Scrutiny officer in particular for presenting such a comprehensive report, and just to endorse the comment the chair did make. Our conclusion does say that we welcome the support of the States Assembly, both in its immediate impact on the purchase of single-use vapes, but also the encouragement that it provides towards a behavioural shift away from environmentally-damaging disposable products. That is something which Deputy Tadier and others referred to. Certainly the panel is in full square with the Minister on that and we look forward to hearing from him in due course on other plans he might have.

8.1.10 Deputy S.G. Luce of Grouville and St. Martin:

As in the past, I can see around here, around the Assembly, full support for this initiative, which has come from across the Government, Infrastructure, Environment, and Health, not just in this Government, but, as Deputy Renouf acknowledges, from previous Governments as well. I just rise to respond to Deputy Tadier, who, in his inimitable way has taken us down the road of pipe smoking. But he is right and there is no apology for it, this is a health issue, which we identified very early on and we looked for the quickest way to act as a Government and that was through the Single-Use Plastics Law. So there is no apology for that. There is a reason and we have moved as quickly as we can, and I am glad that Members appreciate what we can do when we put our minds to it. I just would end by echoing some words from the chair of my Scrutiny Panel, from the Scrutiny Panel of

the Minister for Infrastructure, vaping has turned into a massive industry with a huge amount of money involved in it, and quite often we see, in this type of instance, manufacturers will look for loopholes and they are looking for loopholes as we speak to see how they can get around any legislation that we might pass. I say to Members, certainly from my perspective, and I know from others, we will be looking continually at how they are attempting to get around the law to see where we can act in the future to protect our children, particularly because this was, at the end of the day, the real reason that we brought this to the Assembly in such short order.

8.1.11 Deputy T.J.A. Binet of St. Saviour:

I think there are major health implications here, so it would be wrong of me not to comment. I would just like endorse everything that Deputy Luce has just said and say that we just do have to be a little bit careful when deciding on these matters that we want to maintain the balance between not encouraging vaping as much as we can without taking away the alternative to smoking. So we are monitoring everything as it goes through and we will be keeping a close eye on further developments as things progress.

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, then I close the debate and call upon the Connétable of St. John to respond.

8.1.12 Connétable A.N. Jehan of St. John:

I thank all Members for their comments. I share Deputy Gardiner's concern about the amount of young people using these products. Deputy Renouf thanked us, but we owe both him and other Ministers, and the former Chief Minister, our thanks for starting the process and it was a process that we were able to move on with because it was already started. So thanks to them and I echo his thanks to the officers. The officers working on it across the Government on this have been fantastic, and so I thank them. Deputy Jeune and her panel, we thank them for their support and also for their comments paper. Public Health, as we have just heard from the Minister, are looking at the health impacts, but it is felt that this regulation was the easiest and quickest way to bring this to the Assembly and make sure that we could be in time and not end up as a dumping ground for other jurisdictions who may stop earlier than us. We are looking at wider plastic single use, there is a lot of work to do that is piecemeal. We would like to do more, but the timing of this was because we wanted to make sure we were in the queue, so to speak. I echo Deputy Ozouf's words about the team at La Collette. Hopefully they will have less work to do if this is banned, but I do echo his words and he spoke to me earlier today about the great service he and others receive. Deputy Tadier, again I assure him that we are looking at other things, he spoke about whataboutism and he stole my line about the pipe, because I expected the question about the single-use cigarettes. The only pipes I am interested in as Minister for Infrastructure are drainage pipes. I assure him again we have worked with colleagues in Health and we will continue to look at what else we can do. To Deputy Ward, we are, as the problem is not limited to young people and I do not want young people to be tarred with a brush ... single-use vapes are used by people of all ages and what we want to do, as I said in my opening speech, is to engage, explain, and encourage people, and we will ensure that information is available. I thank the other Members for their support, particularly the Minister for the Environment and the Minister for Health and Social Services.

The Bailiff:

Thank you very much. Do you call for the appel? The appel is called for. I invite Members to return to their seats. The vote is on the principles of P.77 and I ask Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I asked the Greffier to close the voting. The principles been adopted.

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| POUR: 45 | | CONTRE: 0 | | ABSTAIN: 0 |
| Connétable of St. Helier | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy M. Tadier | | | | |
| Deputy S.G. Luce | | | | |
| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy P.F.C. Ozouf | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy H.L. Jeune | | | | |

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| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy R.S. Kovacs | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy M.B. Andrews | | | | |

Deputy Jeune, does your panel seek to call the matter in? I assume not.

Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

No, Sir.

The Bailiff:

Thank you very much. How do you wish to deal with the matter in Second Reading?

8.2 The Connétable of St. John:

En bloc, please. We can take the Articles *en bloc*.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, then I close the debate. Those in favour of adopting in Second Reading, kindly show. Those against? Do you adopt in Third Reading?

8.3 The Connétable of St. John:

I have nothing to add other than to thank Members for their support and reiterate my thanks to Scrutiny and the policy officers, law drafters, and everyone engaged with the consultation. I call for the appel.

The Bailiff:

On the assumption nobody wants to speak. Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate, and the appel has been called for. I ask the Greffier to open the voting. The vote is on the Third Reading for P.77. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading.

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| POUR: 45 | | CONTRE: 0 | | ABSTAIN: 0 |
| Connétable of St. Helier | | | | |
| Connétable of St. Lawrence | | | | |
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| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy M. Tadier | | | | |
| Deputy S.G. Luce | | | | |
| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy P.F.C. Ozouf | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy R.S. Kovacs | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |

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| Deputy K.M. Wilson | | | | |
| Deputy M.B. Andrews | | | | |

9. Amendment to Standing Orders – timeline for Ministerial Appointments (P.80/2024)

The Bailiff:

The next item is Amendment to Standing Orders - timeline for Ministerial Appointments. P.80. lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey with immediate effect.

Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):

Deputy Coles will be responding to this one.

9.1 Deputy T.A. Coles of St. Helier South (Privileges and Procedures Committee - rapporteur):

I would like to thank the members of the Machinery of Government P.P.C. Sub-Panel that I have chaired. It would escape very few Members' attention of the first vote we had at the start of this year but this led us to learn some lessons. The one lesson that we learned on our panel was that the election for a new Chief Minister comes about by the same process regardless how a Chief Minister leaves office. This unfortunately includes whether a Chief Minister should die in office. It would be the fact that within 24 hours of the Chief Minister passing away, nominations would have to be submitted and the process starting automatically for a new Chief Minister to be appointed. Earlier this year, we passed legislation to improve the positions and the accountabilities of the Deputy Chief Minister, so at this point we thought it would be acceptable and practical that we could extend the period for which a Chief Minister has to be appointed, only in the event of a Chief Minister's death, to up to 21 days. The main consideration of this is to allow a minimum period of 7 days of mourning to show respect to a Chief Minister who has died in office, for then the Presiding Officer to use the following 2 weeks to decide when it would be appropriate for an election to take place. Discussions around this did take quite a while as there was a few matters to consider, as the fact that a by-election would also be called to replace the Member in their position within this Chamber, whether it was appropriate to wait until that new Member had been elected and appointed, and sworn in to their position. However, we have figured with the length of time of 6 to 7 weeks for a by-election that would take place, that then this process would be far too long and the Island needs its political security. So by consensus of the panel, we came to the 21-day conclusion and I do hope Members agree with that length of time, it shows adequate respect as well as allowing other Members to grieve and move forward and then return to our stability. Part 2 comes around because during the debate it was noticed that some Members were having to go around to try to get nominations, start drawing up manifestos, and all this was happening before the debate had even concluded. The result to some may have been obvious, to others it may not, and therefore it seemed unfair and also insensitive to the candidate, the subject of the vote of no confidence. So, rather than delaying the timeframe for which the election of a new Chief Minister should be, we request that the Assembly agree that we move the closing point for nominations and submission of a manifesto to 3 days after a vote of no confidence has been approved by the Assembly. I hope that this makes the process a lot cleaner for Members and also offers Members the respect they deserve to wait for the outcome of a vote before trying to make sure of what has happened. It is my intention to take these items separately as I believe they are very, very different. However, I am also prepared to take them *en bloc* if nobody has any objection to that.

I would just like Members to consider this and, if they do want these taken separately, please let me know.

The Bailiff:

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

9.1.1 Deputy M.B. Andrews of St. Helier North:

I just rise because I have just reviewed the proposition once again and I just want to draw Members' attention, as the proposition states that, in the event that the Chief Minister is deceased it would be the Deputy Chief Minister who would step in. However, there does not seem to be a provision if the unfortunate circumstance was, of course, that the Chief Minister and the Deputy Chief Minister were potentially maybe casualties in an accident, and so what would happen in that event, because there has to be a provision for whether that would be the role of the Assistant Chief Minister or, because there are a number of them, to then step in if that was the case. Secondly, I am a bit concerned about there being concerns regarding the 24-hour time limit for prospective candidates in response to an outcome of no confidence being successful, given the fact that Members would be aware that there is a 2-week lodging period and so that would give prospective candidates the opportunity to put together a manifesto and to also discuss with their colleagues as to whether those colleagues would be willing to be signatories. That is all I have already got to say.

[17:15]

9.1.2 Deputy R.J. Ward of St. Helier Central:

Just briefly, there is a pecking order of who would take over as Chief Minister, just to reassure the Assembly, I am right at the bottom of that list, so it is okay. [**Laughter**]

9.1.3 Deputy K.M. Wilson of St. Clement:

Deputy Coles has just asked whether or not he would want to get confirmation from Members if they would like to take these items separately, and I would support that.

The Bailiff:

You would like them taken separately?

Deputy K.M. Wilson:

Yes, please.

9.1.4 Deputy P.F.C. Ozouf of St. Saviour:

I must say that I have not given massive consideration to this. I am somewhat troubled by the issue of the 3 working day deadline for nominations after a vote of no confidence vote. I wonder if Deputy Coles, in his capacity as the rapporteur of this, could explain why it is not 5 days. I agree with him that it was, it seemed, unseemly. However, given the importance of the role of the Chief Minister and the subsequent fallout that a fall of a Government, presumably there is no urgency for this now, one was expecting another new year activity. I just wondered whether or not some really mature consideration had been given to 3 working days after a vote of no confidence, because it is not just, if I may check, the nomination issue, it is also the manifesto. I know that is requiring 6 signatures and I have not quite got my proposition in front of me, but the whole issue, does he really believe that these are days of necessary time for reflection of replacing the leader of Government and all ... because it is not just the Chief Minister that falls, it is the whole Government. It just seems to me 3 days is incredibly hasty.

9.1.5 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

Deputy Ozouf raises a valid point, having been through that experience, the previous timescales were very tight indeed and made it rather difficult. I think it can be done in that time, but I look forward

to the Deputy's explanation. I presume further thought could be considered, but I just wanted to reassure Members that, although I enthusiastically vote for these amendments to Standing Orders, I very much hope none of them ever come to bear. In relation to the unlikely event of the Deputy Chief Minister and I, the demise being at the same time, the Assembly will just have to try and manage without us. I promise we agree not to ride on the same tractor together in the meantime.

Deputy P.F.C. Ozouf:

Point of order, can I just check whether or not you take over in that situation?

The Bailiff:

I do not think I do.

Deputy P.F.C. Ozouf:

It is the season the goodwill.

The Bailiff:

The most I would do is to facilitate as far as possible the resolutions of the Assembly being taken and put into practice. But certainly no. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon Deputy Coles to respond.

9.1.6 Deputy T.A. Coles:

First, I will just thank Deputy Wilson. Yes, I will take this in parts as there was a request to do so. Deputy Andrews, as Deputy Ward has alluded to, there is a line of Ministerial succession about who will take the place should the Chief Minister and Deputy Chief Minister ... I am looking over my shoulder, it is either Deputy Gorst or Deputy Labey who I believe is third on that list.

Deputy L.J. Farnham:

I would prefer it if we did not give anybody any ideas.

Deputy T.A. Coles:

Deputy Ozouf, I would just want to make the point that we had quite lengthy discussion. This is why it has ended up coming in December this year, because some of these points were very much discussed around what is a reasonable length of time, without being too long, but also to allow people to digest and come up with questions for manifestos to exist, there has to be a balance. In fact, Deputy Scott mentioned 4 days, the rest of the panel thought maybe that edged too far. So we came to the consensus that 3 was reasonable, as it is also 3 times longer than the current, as it is 24 hours after the debate. Of course, this is a Standing Order and this is also for Members, so an amendment can be brought back by another Member if they do not believe that this is long enough and I am willing to hear their arguments for it as I believe there should be flexibility in that time. However, this is certainly an improvement on what is the current format. Deputy Andrews, I forget the second point that you asked me to make, if you can clarify. Sorry, through the Chair, if Deputy Andrews could just quickly clarify for me what his second point was.

The Bailiff:

Do you have a second point?

Deputy M.B. Andrews of St. Helier North:

Indeed, it was just for the 24-hour period that is given to prospective candidates for Chief Minister upon voting no confidence in the Chief Minister being successful.

Deputy T.A. Coles:

Thank you to the Deputy. That is what this second amendment does is remove the 24-hour period and extends it to 3 working days for that nomination period for the candidate's manifesto and their signatures to be presented to the Greffier so that the resultant election can then take place 4 days later in this Assembly. So with that, I make the proposition and I will take these in parts and I call the appel.

The Bailiff:

The appel is called for in both parts. The first vote then will be on part 1 of the proposition. I ask Members to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. Part 1 has been adopted.

| POUR: 44 | | CONTRE: 0 | | ABSTAIN: 0 |
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| Connétable of St. Helier | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Brelade | | | | |
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| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy S.G. Luce | | | | |
| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy P.F.C. Ozouf | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |

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| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy R.S. Kovacs | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy M.B. Andrews | | | | |

I ask the Greffier to reset the machine and the vote now is on part 2 of the proposition and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. Part 2 has been adopted.

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| POUR: 41 | | CONTRE: 3 | | ABSTAIN: 0 |
| Connétable of St. Helier | | Deputy P.F.C. Ozouf | | |
| Connétable of St. Lawrence | | Deputy K.M. Wilson | | |
| Connétable of St. Brelade | | Deputy M.B. Andrews | | |
| Connétable of Trinity | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Martin | | | | |
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| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy S.G. Luce | | | | |
| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |

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| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
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| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B. de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy R.S. Kovacs | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |

The Bailiff:

I now come to that part where I should test what the Assembly wishes to do. There are 3 propositions, the first relating to Jersey Overseas Aid Commission: Appointment of non-States Commissioner; the second is Deputy Kovacs's proposition relating to Support Scheme for Individuals Qualifying to Represent Jersey; and the third, Comptroller and Auditor General Board of Governance: appointment of Chair. Then because that will bring the last sitting of this year to an end, there are the traditional greetings as well. It is a matter whether or not at this stage we move on and carry on or whether the adjournment is proposed.

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

The adjournment, yes.

The Bailiff:

The adjournment is proposed. Those in favour of adopting the adjournment, kindly show. The Assembly stands adjourned then until 9.30 a.m. The appel, very well. The appel is called for and in

which case I may have misread the standing in the room. The appel is called for and I invite those in favour of the adjournment at this stage to kindly vote. I ask the Greffier to open the voting. So a vote pour means we adjourn now until tomorrow morning. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The votes for the adjournment is adopted.

| POUR: 27 | | CONTRE: 15 | | ABSTAIN: 1 |
|---------------------------|--|----------------------------|--|-------------------|
| Connétable of St. Brelade | | Connétable of St. Lawrence | | Deputy M.R. Scott |
| Connétable of Trinity | | Connétable of St. Mary | | |
| Connétable of St. Peter | | Deputy C.F. Labey | | |
| Connétable of St. Martin | | Deputy S.G. Luce | | |
| Connétable of St. John | | Deputy R.J. Ward | | |
| Connétable of St. Clement | | Deputy I.J. Gorst | | |
| Connétable of Grouville | | Deputy P.F.C. Ozouf | | |
| Connétable of St. Saviour | | Deputy Sir P.M. Bailhache | | |
| Deputy G.P. Southern | | Deputy R.E. Binet | | |
| Deputy M. Tadier | | Deputy A. Howell | | |
| Deputy L.M.C. Doublet | | Deputy T.J.A. Binet | | |
| Deputy K.F. Morel | | Deputy M.R. Ferey | | |
| Deputy M.R. Le Hegarat | | Deputy A.F. Curtis | | |
| Deputy S.M. Ahier | | Deputy B. Ward | | |
| Deputy C.S. Alves | | Deputy K.M. Wilson | | |
| Deputy I. Gardiner | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy T.A. Coles | | | | |
| Deputy D.J. Warr | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy R.S. Kovacs | | | | |
| Deputy M.B. Andrews | | | | |

The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:25]