

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 2nd APRIL 2025

PUBLIC BUSINESS - resumption	3
1. Jersey Overseas Aid Commission: re-appointment of non-States Commissioner (P.18/2025)	3
1.1 Deputy C.F. Labey of Grouville and St. Martin (The Minister for International Development):.....	3
2. Extension of eligibility criteria for election candidates (P.20/2025).....	3
2.1 Deputy C.S. Alves of St. Helier Central:	3
2.1.1 Deputy M.R. Scott of St. Brelade:	5
2.1.2 Connétable M.K. Jackson of St. Brelade:	6
Mr. M. Jowitt., H.M. Solicitor General:	7
2.1.3 Deputy P.F.C. Ozouf of St. Saviour:	7
2.1.4 Connétable K. Shenton-Stone of St. Martin:	11
2.1.5 Deputy R.J. Ward:.....	12
2.1.6 Deputy I. Gardiner of St. Helier North:	13
2.1.7 Deputy M. Tadier of St. Brelade:.....	14
2.1.8 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:	17
2.1.9 Deputy A.F. Curtis of St. Clement:.....	18
2.1.10 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:	18
The Solicitor General:	21
2.1.11 Deputy S.Y. Mézec of St. Helier South:	21
2.1.12 Deputy R.S. Kovacs of St. Saviour:	22
2.1.13 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:.....	23
2.1.14 Deputy T. Binet of St. Saviour:.....	24
2.1.15 Deputy A. Howell of St. John, St. Lawrence and Trinity:	24
2.1.16 Deputy L.M.C. Doublet of St. Saviour:	24
2.1.17 Deputy C.S. Alves:.....	24
3. Regulation of the Professional Practice of Therapeutic Counsellors (P.21/2025)	27
3.1 Deputy T.A. Coles of St. Helier South:	27
3.1.1 Deputy T. Binet:.....	33
3.1.2 Deputy M.R. Scott:	34
3.1.3 Deputy H.M. Miles of St. Brelade:	34
3.1.4 Deputy P.C.F. Ozouf:.....	36
3.1.5 Deputy K.M. Wilson of St. Clement:	36
3.1.6 Deputy I. Gardiner:	37
3.1.7 Deputy S.G. Luce of Grouville and St. Martin:	38
LUNCHEON ADJOURNMENT	40
3.1.8 Deputy M.E. Millar:.....	40
3.1.9 Deputy L.M.C. Doublet:	41

3.1.10 Deputy B. Ward of St. Clement: 42

3.1.11 Deputy M. Tadier: 43

3.1.12 Deputy T.A. Coles:..... 44

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS..... 46

4. The Connétable of St. Martin (Chair, Privileges and Procedures Committee):..... 47

4.1 Deputy P.F.C. Ozouf:..... 47

ADJOURNMENT..... 47

[9:30]

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

PUBLIC BUSINESS - resumption

1. Jersey Overseas Aid Commission: re-appointment of non-States Commissioner (P.18/2025)

The Bailiff:

We resume Public Business and the next item of Public Business is the Jersey Overseas Aid Commission: reappointment of non-States Commissioner, P.18, lodged by the Minister for International Development. The main responder is the chair of the Economic and International Affairs Scrutiny Panel, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to reappoint Therese Morel as a non-States Commissioner of the Jersey Overseas Aid Commission, effective immediately for a 3-year period until April 2028, in accordance with the Jersey Overseas Aid Commission (Jersey) Law 2005.

1.1 Deputy C.F. Labey of Grouville and St. Martin (The Minister for International Development):

I would like to propose Ms. Therese Morel to serve for a further term of 3 years on the Jersey Overseas Aid Commission as one of the 3 non-States commissioners. This will be Ms. Morel's third term of office. I believe we are extremely lucky to have people like Ms. Morel and her calibre willing to give up their time voluntarily, as Jersey Overseas Aid commissioners are not paid. Ms. Morel has had extensive experience; over 3 decades of humanitarian experience working for the U.N. (United Nations). I would like to also thank Scrutiny for their supportive comments. I would like to make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? No Member wishes to speak. I close the debate. Those in favour of adopting the proposition kindly show. Those against? The proposition is adopted on the standing vote.

2. Extension of eligibility criteria for election candidates (P.20/2025)

The Bailiff:

The next item is extension of eligibility criteria for election candidates, P.20, lodged by Deputy Alves. The main responder is the chair of the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Privileges and Procedures Committee to bring forward all necessary legislative amendments in time for the General Election in 2026 to extend the criteria for qualification to stand for, and be elected to, the States of Jersey to include any individual who is not a British citizen, provided that they have – (i) met the conditions for permanent Entitled status under the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013; and (ii) passed the Knowledge of Life (Citizenship Test).

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

Since being elected, I have sat through a number of debates on propositions seeking to widen the eligibility for election candidates. While some proposals have come close, none have fully addressed the concerns raised. Today I believe I present a viable compromise that strikes the right balance. Jersey prides itself on being a vibrant, inclusive and diverse community. It is also in a unique position

as one of the very few places in the world that has a Control of Housing and Work Law as comprehensive as ours. In that Law we recognise that those who have dedicated a significant proportion of their life to the Island should be granted a special residency category of permanent entitled status, which rewards their commitment to this Island. This proposition seeks to provide further acknowledgment of the value that those who have permanent entitled status have to our Island by enabling them to be eligible to stand for election and provide an opportunity to have a say on how our Island is run. Our housing and work laws already recognise long-term residents' contributions through permanent entitled status so why should not our electoral system do the same? It has been mentioned before that there are other jurisdictions which allow non-local citizens to stand for election to Parliament, and I will briefly highlight some of these. In the U.K. (United Kingdom) Parliament Irish citizens or Commonwealth citizens with indefinite leave to remain can run for M.P. (Member of Parliament). In Scotland and Wales, since the recent reforms in 2021, any legal residents - these are long-term residents with leave to remain who are not just British, Irish or Commonwealth citizens - can stand for election to the Scottish Parliament and to the Senedd Cymru and therefore be elected as M.S.P.s (Members of the Scottish Parliament) or M.S.s (Members of the Senedd), which is the Welsh Parliament. In Portugal, non-citizen residents from Brazil and Cape Verde can run for elections to Parliament, and in Uruguay, foreigners with 15-plus years of residence can stand for election in some political roles. What does this mean for Jersey? Jersey, in allowing long-term committed residents to stand for election, will not be unprecedented. Scotland and Wales already permit any legal resident to run for their Parliaments, making them among the most inclusive electoral systems in the U.K. In addition to the requirement for permanent entitled status, I am also asking Members to agree that Islanders should be required to sit and pass the knowledge of life citizenship test. I took the inspiration from the narrowly defeated proposition by Deputy Gardiner last term but simplified it by making reference to a test that is already a requirement in order to obtain a British passport. It is part of the naturalisation process and available to sit locally at Highlands College for a reasonable fee of £62. We know that the biggest barrier for most wishing to obtain a British passport is the cost. The naturalisation process currently costs £1,500, and this is set to increase next week on 9th April to £1,605. The process can also take up to 6 months to be completed. Quoting from the gov website: "You can apply for naturalisation if you have lived in the U.K. or Islands (Jersey, Guernsey or Isle of Man) for 5 years or more; hold indefinite leave to remain or settled status granted under the E.U. (European Union) settlement scheme; hold indefinite leave to remain and you must have lived in the U.K. or Islands for a period of 12 months or more after being granted indefinite leave to remain; meet the requirements of Knowledge of Language and Life test." You can also be eligible to apply for naturalisation if you are married to a British citizen and have lived in the U.K. or Islands for 3 years or more; hold indefinite leave to remain or settled status granted under the E.U. settlement scheme, and again meet the requirements of the Knowledge and Language Life Test. Members may not be aware of this, but we have people in our community who are born in Jersey but were not able to apply for a British passport. How does this happen? This is normally due to their parents not having settled status at the time of birth or 5 years' residency prior to the birth of their children. So these children are left with no choice but to have a non-British passport. Even those who are born in the Island would have to go through the naturalisation process in order to obtain a British passport at a later date. This proposition seeks to enable those who satisfy the criteria for naturalisation to stand for election but without the barrier of the cost of the naturalisation process. To conclude, I would like to thank P.P.C. (Privileges and Procedures Committee) for publishing their comments, and I acknowledge that the legislative changes required would take place within the 12 months before the next election. However, this proposition does not seek to create a big electoral change which significantly impacts on our electoral composition and voting process as P.2/2025 did. It would simply enable more people in our community to be eligible to stand as a candidate and the chance to do so. This is not about making a radical change to our electoral system; it is about fairness, about recognising those who have devoted their lives to Jersey and about strengthening our democracy.

I urge Members to support this proposition and remove this unnecessary barrier to representation.

The Bailiff:

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

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

May I remove the défaut on Deputy Farnham, please?

The Bailiff:

Yes, the défaut is raised on the Chief Minister.

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

Earlier this week this Chamber hosted members of La Moye School and, as often happens in the school visits, one of them asked me if I found my job fun. I said I find learning fun and being a States Member gives me ample opportunity to do so. In the report accompanying this proposition, Deputy Alves stated it is not her intention to revisit points raised in previous propositions or debates. She did not explain why this proposition does nothing to address national security implications. I have no individual Islanders in mind when objecting to this proposition. I may have citizens of other countries in mind that the U.K. may regard as a risk to national security. States Members learn from debate, including of the risks of making policy in silos. It therefore remains perplexing that despite what has been raised in previous debates on this matter, no work to address national security concerns has been sought by the bringer of the proposition. We are in very difficult times. There has been no change in that position since 3 months ago. We also know that the Island's national security measures are not nearly evolved enough. That is why in my delegated Ministerial capacity I am working on a cyber-security law to bring before the States Assembly. There is so much more work to do, including on the basis on which States Members access current systems. Even now there are discussions about the extent to which they should be vetted. The ultimate protection we have at this moment, crude and blanket as it may be, is that our elected representatives are not loyal to any foreign power that we do not regard as having a constitutional link because nearly every nation in the world requires candidates for parliamentary election to be citizens of that country or countries with which it has a clear link under its constitutional law, other than Guernsey of course. I do not wish to disrespect our sister island but it is further behind the curve than we are. Where is Guernsey's cybersecurity law? Where is Guernsey's national cybersecurity centre? Guernsey has some work to do, and its published cybersecurity strategy acknowledges that. My priority as a member of the Council of Ministers is to improve this Island's national security, not to weaken it. Our own security position is supported by our constitutional relationship with the U.K. and our relationship with the N.C.S.C. (National Cyber Security Centre). When we last debated this matter, I informed the Assembly that there would be potential national security implications to consider in adopting a proposition like this. The officer advice I sought recommended seeking input on the associated risks before departing from U.K. practice. Operationally, there may be challenges with non-British citizens having access to information that may be necessary to fulfil the role of a Minister. In the last debate, Deputy Tadier made the point that citizenship alone is not enough to secure national loyalty. He referred to a notorious case of a British citizen who passed on national secrets to another country, compromising national security. None of these cases, so far as I am aware, involved elected parliamentarians. The closest I can remember was the Profumo affair, in which a Minister in the U.K. Government resigned after not giving adequate regard to national security. As for the other cases, they were notorious. A government system that should have given the highest regard to national security failed its own citizens. Should we not seek a loyalty that is consistent with our constitutional ties? We already do. This proposition seeks to undermine it. That is not to say we could not find other ways of securing national loyalty. But we would need to debate how we do that before considering a proposition like this. For example, China has legislation requiring loyalty. It is law. Article 7 of its National Intelligence Law states, after translation in English, that Chinese citizens are required, in quotes, translated: "to support, assist, and co-operate with national intelligence efforts in accordance with

law and shall protect national intelligence work secrets they are aware of.” Now that proposition only applies to Chinese citizens, presumably because the Chinese do not allow non-Chinese citizens positions of authority that could put national security at risk. So how does the bringer of this proposition propose that we deal with the risks in national security? There may be people in our community happy to leave the front door unlocked, but that is not our policy, as a responsible Government. Should our Island community accept that public representatives may have a conflicting obligation to another country? Or should there be a list in our legislation of acceptable jurisdictions in which candidates for election may be citizens, notwithstanding conflicting loyalties? How would that list be managed and maintained and by whom? Any decisions about such a list would be highly subjective and controversial. It would not be straightforward to maintain. Finally, I question why the bringer of this proposition is seeking that the changes she seeks be brought in time for the 2026 election. I know I am not alone in noting the Deputy’s haste. This proposition seeks implementation by the Privileges and Procedures Committee. As with the proposition to reinstate Senators in time for the 2026 election, the P.P.C. has raised a concern regarding timing. Less consistently, the P.P.C. has not brought an amendment to change the reference to the 2026 election to the 2030 election. Given that the proposition to reinstate Senators in time for the 2026 election was adopted by the States Assembly, is there not more reason to have sought a change of this nature in time for the 2030 election in this proposition? What is the rush? Work to address the national security implications of a proposition such as this has not been done by the Government, nor does this proposition even seek that it be done. If it did, I would recommend to the States Assembly that it would not perhaps be such a priority as the cyber-security law, because improving national security must come first. The cost of formally becoming a U.K. citizen was raised in former debates. There has been no proposition brought to address the cost of doing this for candidates, and it does remain for supporters of any particular candidate to help find the cost. I therefore urge the States Assembly to reject this proposition. I fear it has been brought hastily, without due regard to the interest of national security or the ability of this Government to work further in those areas in this term. National security has to be our priority to the community as a whole in Jersey, whether or not they are British citizens.

Deputy A.F. Curtis of St. Clement:

Would the Member give way for a point of clarification on her speech?

The Bailiff:

Would you give way for a point of clarification?

Deputy M.R. Scott:

Yes, of course.

Deputy A.F. Curtis:

I believe it is. The Member suggested that our existing system means our Members are only or solely loyal to our own nation. I genuinely wondered if she could clarify what she means by “only loyal to our nation”, just so we could ... I did not quite understand that.

Deputy M.R. Scott:

Yes, I apologise if I was unclear. The point I was making was that the general rule about having rich citizens or those connected in some way to the U.K./us under constitutional arrangements, there is an assumption, and I accept it is an assumption, that those who are regarded as citizens of those countries have some sort of loyalty.

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

One area of this proposition that concerns me is that it is a methodology for circumventing the naturalisation process. To which end, in picking up from the comments from the previous speaker, I wonder, and it may be for the Solicitor General to answer, in the process of naturalisation are there background checks on the individuals applying? Is that an area for the respondent?

The Bailiff:

I am not sure that the Solicitor General would necessarily be aware of that. Are you aware of that position, Mr Solicitor?

Mr. M. Jowitt., H.M. Solicitor General:

I am not, and I am not sure it is a request for legal advice.

The Bailiff:

No, that would be probably a fair observation. I am afraid I cannot assist either, Connétable. I am not sure if there are background checks. The individual obviously takes an oath to be loyal to the Sovereign before the Royal Court and does a separate oath, I believe, at Government House. But I cannot say anything further than that.

The Connétable of St. Brelade:

Thank you, Sir. Maybe I can ask the proposer to elaborate on that point when she finishes the proposition.

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

I am surprised that nobody else wants to speak on this important issue. I, too, am somewhat surprised that the Member who is bringing this is standing in this Assembly advancing something that is entirely contrary to everything that was discussed and debated in the recent matter of the Senatorial debate. It seems odd that the party in which she is a member can effectively stand one week and speak about the Venice Commission, a cornerstone of electoral law - as we heard rightly members of the Reform Party say - electoral guidance that advises elections legislation shall be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election process. This is not a trivial proposition, and I am surprised that other Members ... maybe Members, I do not know, we have not debated it. You were going to end the debate, Sir, because nobody else wanted to speak. This is not a trivial proposition. It must ensure that we, in debating this, remain a legitimate and credible jurisdiction. If it is adopted, this would see, effectively, as P.P.C. has rightly pointed out—and I do not think they have amended this proposition, I cannot speak for the chair of the P.P.C., she has made her observations and her committee clear in her report, but it is quite clear that this is potentially a matter for the next Assembly. But it is impossible, because of the matters that Deputy Scott has raised, for us to have a legislative draft which has been appropriately scrutinised, as raised by the Constable of St Brelade; the security considerations, all the rest of it. I distance myself from aligning anything to do with Chinese national security law. I hope the Member was not raising China as an example of democratic rule because it is not, and the coercive nature of that particular Article was an unfortunate but necessary comment in her speech, of which I know that members of Reform will jump to their feet no doubt when other Members will speak on this, if this is not going through on some sort of ... I am not sure what the Government position is. In fact I am quite unclear what the Government position is on this. It is a P.P.C. matter that has come before us, but we have an Assistant Minister who brought yesterday something about entitled status, we have another Minister arguing against it, and I am a Back-Bencher; I am a bit confused about where we stand. All I know is that the Venice Commission matters, and I think that a last-minute change ... I will not be one that blocks the democratic decision of this Assembly on Senators. That debate has been had and had well, we have to take on balance the representations made by the Chief Minister that it will not interfere in the Government programme.

[10:00]

We take that on the standing of this Assembly in terms of being effectively factual. We have heard the opposition, we have had the debate, but this is clearly very different. This is something that surely must have proper scrutiny. It must be considered properly because we are talking about members

that could be elected in this Assembly. It is part of our democracy. We have a unique constitutional relationship with the Crown, and that demands that we uphold every time, every day, constantly, the highest standards of democratic legitimacy. Allowing non-citizens without a proper ... and there have been numerous attempts to do this. But this is a last-minute, because it is of the Venice Convention and legislation, issue which will have to be scrutinised. Let there be no doubt, it will have to be scrutinised properly in a way that is more burdensome, arguments about Senators; we have had them before. This is an important proposition. I can see the chairman of Reform disagreeing with me but allowing non-British citizens to serve as legislatures in the States Assembly challenges the coherence of our constitutional framework. Jersey is not part of the United Kingdom, as Members will know, our ties lie with the Crown, and we are predominantly British, with Britain and Great Britain and the United Kingdom - as the Minister for External Relations may rise to speak - which is our foreign policy, is set by the United Kingdom through the relationship with the Crown. British citizenship, therefore, surely matters. It underscores the allegiance that we have to the Crown and, Sir, you made observations about the oath of allegiance that a British citizen must take. Permitting elected Members to hold foreign passports introduce questions of loyalty and could compromise our governance, particularly matters affecting that relationship with the Crown. The criteria of permanent entitled status and the Knowledge of Life test, while practical, do not fully address the issues of the matters that are an oath of office to the head of State. A 10-year residency and a basic test may demonstrate a commitment, but they fall significantly short of the deeper ties that citizenship represents. I simply say that it would be quite wrong for this Assembly to make a decision on eligibility to stand for this Assembly because the legislation clearly will fall significantly short of that 12-month international practice deadline. I am a Back-Bencher that is confused about the party and the Government and where this is overlapping, and I think that we should not make a decision that undermines the credibility of what is already going to be an important election in 2026 where we are going to have to be relevant, and we are going to have to convince more Islanders to participate in that election to get our voter turnout up. I am afraid to say that having lengthy time and a lengthy period where Scrutiny is going to have to scrutinise on the important issues of national security, et cetera, is going to compromise Scrutiny's ability to hold the Government to account on delivery, which is what we are about. We are an Assembly that makes policy decisions, and we do things to improve Islanders' lives. I am so sorry, but using the valid time that this Assembly is taking up on effectively trying to debate something at speed, then try to promise that we are going to legislate in line with international standards is going to simply undermine the thing that I stand up and regularly bore Members with, is that we are not delivering what our constituents and those that put us here to do, which is outcomes on cost of living, on housing, on other things that are absolutely at the heart of many Islanders' concern. I can hear Deputy Ward speaking, I do not normally overhear myself speaking, I do not think, when other people are speaking. We are a proper Parliament, with proper standards, and we should be abiding by those highest standards of parliamentary practice and not promising people that we are going to somehow safely, having regard to all of the international issues that are very clear in the world, suddenly be able to deliver an oven-ready piece of legislation which is going to have regard to national security and all those issues that British citizenship commands. I say, no, let us get on with delivering what we are here to do, which is delivering for Islanders, and then not have more discussions about either who is going to be here or the eligibility criteria. That is a matter for the next Assembly, not now. It should have been done earlier. This is not the first time that something has been brought to this Assembly in this matter, and if it should have been done earlier, it is too late to do this sort of thing now. I urge Members to reject it and to support P.P.C.'s very proper comments paper. I am sorry, I have spoken for 9 minutes but I will give way if Deputy Scott wishes to ...

The Bailiff:

What is your intervention, Deputy?

Deputy M.R. Scott:

Yes, I just wanted, please, Deputy Ozouf to clarify which Deputy Ward he was referring to.

Deputy P.F.C. Ozouf:

I am so sorry. I am so sorry, it was Deputy Rob Ward who regularly chunters when Members are speaking.

The Bailiff:

Well, no, I am sorry, Deputy Ozouf, you cannot say “regularly chunters” (a) that is unparliamentary [Laughter] and (b) ...

Deputy P.F.C. Ozouf:

Well, he did, he puts me off. I withdraw that, Sir.

The Bailiff:

... I am not even sure I know what it means.

Deputy P.F.C. Ozouf:

It is basically making comments.

The Bailiff:

Yes, I take the point, and I was going to make an observation when you had finished speaking.

Deputy P.F.C. Ozouf:

I apologise if that was an unparliamentary use of term but it is very irritating.

The Bailiff:

But I think to accuse a Member of regularly chuntering is probably not terribly parliamentary.

Deputy P.F.C. Ozouf:

No, I withdraw that, but he did so in my speech and it was off-putting. Thank you.

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

May I raise a point of order?

The Bailiff:

If it is a genuine point of order.

Deputy R.J. Ward:

There is a Standing Order 104(2)(a) which the Member must not unduly repeat themselves. Perhaps that needs to be applied if we are going to have proper parliamentary process. I noticed in the last speech that a number of points were repeated repeatedly. Thank you.

The Bailiff:

Well, Deputy, no, I am not having an exchange on this. If I were totally rigorous in the application of Members not repeating themselves, we would probably last for an afternoon because that is what happens. I am sorry, Deputy, (a) you do not speak when the Presiding Officer is speaking and (b) the position is that sometimes Members repeat themselves. I accept an element of leeway because people need to get into their stride, they need to circle on their arguments, and quite often people repeat themselves. There have been examples in previous sittings of this Assembly where certainly Members have spoken in a repetitive way which far would exceed the speeches thus far this morning. It has to be left to the Presiding Officer unless a proposition is brought to deal with the matter. It is perfectly reasonable for you to raise it as a point of order but it is not a point of order that I apply in the current circumstances. It would only be a legitimate point of order, I think, if you were asking me to interrupt a speaker during the currency of their speech to prevent further repetition. On the other matter that I wanted to mention, and I only do so because Deputy Ozouf has raised it as an issue

- and I am not pointing a finger at you at all, Deputy Ward - but I have noticed over the last couple of days that the background noise has got higher and higher when all Members are speaking. It is important that people are not put off from what it is they want to say and, therefore, I would ask Members to exercise an element of restraint when they are having conversations between them. It is permissible, of course, to have conversations in the Chamber, one has not got to sit in total silence, but it is quite important that level of conversation does not interrupt Members when speaking. That is all I wished to say. Did you wish to make any other point that you wanted me to rule upon, Deputy Ward?

Deputy R.J. Ward:

No, we can just carry on. Thank you.

The Bailiff:

Thank you very much.

Deputy P.F.C. Ozouf:

May I kindly clarify a point that you have made?

The Bailiff:

If it is a point of order.

Deputy P.F.C. Ozouf:

Well, yes, it is a point of order.

The Bailiff:

Directed towards me?

Deputy P.F.C. Ozouf:

Yes, it is.

The Bailiff:

On which you wish me to make a ruling?

Deputy P.F.C. Ozouf:

Yes, I wish you to make a ruling. I rose to speak because you were just about to close the debate and so I could not gather my ... I had a speech ready and I was gathering ...

The Bailiff:

No, that is not a point of clarification or a point of order.

Deputy P.F.C. Ozouf:

Well I just wondered, it has happened on a number of occasions ...

The Bailiff:

No.

Deputy P.F.C. Ozouf:

... when you have closed the debate and people want to speak.

The Bailiff:

Deputy, please sit down.

Deputy P.F.C. Ozouf:

Sorry, Sir.

The Bailiff:

The position is that Members do not have to speak in a debate. I allow a perfectly reasonable period for people to indicate their wish to speak and they do not have to do so. Members clearly cliff-hang from time to time and wait to participate at the very last minute, and that does happen, but from the moment I say: “The debate is closed”, it is closed and it is too late to press your button. The answer is, I fully understand why you may have felt driven to speak at that time, but that is not in any sense outside ordinary parliamentary practice in this Assembly. Very well. A point of order, Deputy Ward, or do you wish to speak?

Deputy R.J. Ward:

Yes, please.

The Bailiff:

Well, Connétable of St. Martin was first. [Laughter]

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

It has been commented in speeches that P.P.C. did not make an amendment. In the absence of P.P.C. not bringing an amendment, I stand to put P.P.C.’s comments on record. In P.20/2025 Deputy Alves is proposing amendments to the Island’s elections legislation that would allow for individuals who are not British citizens to stand for election to the States Assembly provided that (a) the individual has permanent entitled status under the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 and (b) the individual has passed a Knowledge of Life citizenship test. P.P.C. considered the proposition at its meeting on 17th March 2025. The committee’s principal conclusion related to the timing of the Deputy’s proposition and the implications for when these measures would be introduced. As the committee highlighted in its amendment to P.2/2025 amendment 3, the Venice Commission sets out clear guidance on regulatory levels and the stability of electoral law stating that: “Election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. Election legislation enacted at the last minute tends to undermine the legitimacy and the credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.” The committee acknowledges that the Assembly ultimately rejected the amendment to P.2/2025 and adopted that proposition, essentially accepting that the legislative changes required would take place within 12 months before the 2026 elections are to be held. Nevertheless, the committee highlights that this consideration of timescales also applies to Deputy Alves’s proposition in that, if adopted, the subsequent legislative work would see the changes developed and implemented within the 12-month period before the next elections. This would be contrary to the recommendations and principles of the Venice Commission. Members will therefore need to decide whether their decision to adopt P.2/2025 was to be an exception to what the Venice Commission recommends or whether it is an indication of the Assembly’s policy and confirmation that any change to electoral legislation is now acceptable within a 12-month period. The Deputy did not discuss her proposition with the committee before lodging it and P.P.C. has therefore only had the lodging period to examine and consider what the Deputy is proposing. As the Deputy has highlighted, the qualification criteria for election have been subject to other debates in recent years, namely, Senators and Deputies: candidates’ qualifications, P.1/2017, Draft Connétables (Amendment No. 2) (Jersey) Law 201-, P.112/2017, Senators and Deputies: removal of citizenship requirement, P.3/2018, Senators and Deputies: removal of citizenship requirement, P.75/2020, “Life in Jersey” Test and Eligibility for Election, P.2/2021, Draft Eligibility for Election (Amendment of Laws) (Jersey) Law, P.22/2021 and Public Elections: Extension of eligibility criteria, P.65/2024. Comments presented by the committee on P.65/2024 summarised the earlier proposition. Neither the control of housing and work legislation nor the Knowledge of Life citizenship test fall within the remit of the committee and P.P.C. does not therefore have operational experience in these areas. The committee is aware, however, of the

proposed developments to the control of housing and work legislation which the Assembly is due to debate through consideration of P.15/2025 and the accompanying amendment, P.15/2025 amendment. These regulations, if adopted, will have implications for how permanent entitled status is determined, how it may be obtained, and how it may be lost. This will have a knock-on effect for implementation of Deputy Alves's proposition if adopted by the Assembly. I hope that Members will see that P.P.C. has been consistent.

[10:15]

2.1.5 Deputy R.J. Ward:

I will try and be a little more positive here. Let me reassure Deputy Ozouf, I think the reason we are waiting for him to speak is we all look forward so much to him speaking and listening to his wise words, so it is nice when we do that. Also, I personally did not speak straight away because I was thinking about what I would say in this, what I think is quite a delicate area. I am slightly disappointed in the approach that has been taken so far regards national security. We have a large community on this Island who have committed to this Island to work, to pay their taxes - I was going to say "that pay their taxes", I would be repeating myself, but I wanted to emphasise the point - that pay their taxes, that enrich our community, that bring different cultures, different foods, different music, different experiences. They bring so much to this Island. Many, many have committed to this Island for many, many years but kept their identity with wherever their home country is, call it what you want, but committed to Jersey. They have had to go through Brexit and go through, I think, the unpleasantness of having to apply for settled status to once prove their loyalty to this Island, to being part of a U.K. system, and they have had to go through that. I have had constituents - and we all know people - who said to me: "I have been here 35 years, why have I got to do this? What do I need to prove?" Unfortunately, something we did not get a vote on; we had to deal with that. Today we stand in this Assembly and, as an implication, suggested that if they do not take British citizenship these very people who have committed to this Island could be a threat to national security. I am stunned by that. I would like to say to those people in the communities that we are a part of every single day that I do not agree that you will become a threat to national security by standing for this Assembly. I think that those communities will bring an insight into the communities that are a part of this Island. A truly reflective democracy reflects the population of the Island or the country or the jurisdiction or the area that it represents. Unless we are encompassing of that we are not the welcoming Island that the Minister for External Relations mentioned yesterday, and I do agree with him on that. As chair of C.P.A. (Commonwealth Parliamentary Association) I am very proud of how outward looking we are, and I will thank Members - and it is relevant - for their engagement in the C.P.A. I think so many Members have gone to so many different things and represented Jersey wonderfully. That is part of a wider outlook Island, not one that will say that we want to exclude in some way people simply because they have not taken the right type of test, and there is a qualifying period here for entitled status to stand. Plus, I will make one really key point on this, is what anyone who stands for this Assembly has to do is face the electorate. It is those people who are voting on this Island who will decide whether we sit in this Assembly. If you cannot convince the electorate in any way, you will not be elected to this Assembly. Finally, I have to say, having been through the debate on Senators where, yes, it was the same comments from P.P.C., which were accurate, were mentioned but they could be ignored at that stage. Those comments could be ignored, and we could bring back serious change, Senatorial change, which removes Deputies from constituencies and removes that direct representation of constituencies, but we will not do that when we are trying to include and increase representation for people on this Island. That is the contradiction that we need to consider when we talk about this legislation. I thank the Deputy for bringing this and being utterly consistent, as has Reform Jersey - that is 5 times we have been mentioned today if I can count my own - for being consistent in our approach. That is the type of politics that people want to see; consistency, consistency in who we want to include in this Island, their electoral system, and who we say we value. I hold a British passport by birth, by accident, because I was born in London. I have been here for 25 years. I started the day yesterday not having status to stay for ever, and I ended the

day having that status. What a wonderful day that is for the Island ... I mean, for myself. [Laughter] Again, I am in just circumstance; that circumstance changed, my rights changed. I think we need to judge loyalty differently. There are Members of this Assembly who have dual passports, I respect them all equally for their loyalty to this Island and the work that they do in this Assembly, even if I do not agree with them. I respect that and I think we all have to have that respect. I would ask Members to think very, very carefully before being taken in, I think, by an argument which lacks validity in terms of national security and is a very non-subtle way of excluding people. I want to detach myself from that, so I ask people to think very, very carefully about why they may not accept this proposition, and ask them to support the Deputy in the work that she is doing.

2.1.6 Deputy I. Gardiner of St. Helier North:

It is my fourth or fifth debate on the theme and I think people and Members and everyone are getting a bit tired, but it is an important debate. I looked back to my speech in 2020, and I looked to my speech in 2021, and when I hear 2030 I believe we really want things done. It is about time that we get things done or we will say completely no, because last time this proposition was defeated only by one vote. I thought the Assembly was more diverse and more progressed but probably not; I do not know, we will see today. As Members are aware, immigration citizenship and identity, think about these 3 words: immigration, citizenship and identity; they are very, very different words. Loyalty comes with identity, loyalty comes with connection and we do not have Jersey citizenship. I raised it some time ago and I brought a different proposition and tried to bring things together. Because you have heard me speak, I do believe we need to have this connection, we need to have this identity, we do need to have this knowledge. If we would have Jersey citizenship, I think this question would never rise in this Assembly because it would be very, very, very clear what it is. I remember when I first arrived to my Island and my husband, dear husband, he is Jersey, Jersey, Jersey, Jersey from his mum's side; his grandfather was very popular at St. Brelade, he is very Jersey. When I said: "Are you British?" as a new arrival, he raised and said: "I am not British, I am Jersey" and he was very, very proud, and I got an idea, British are not Jersey. It was on my first arrival 17 years ago. A child born in Jersey does not automatically receive British citizenship. If we would have Jersey citizenship, the child would receive Jersey citizenship and would be eligible to stand for election. We do have a situation when children who are born in Jersey do not have British citizenship. Are they less loyal? I really think the loyalty part is raised with me today when somebody asked about security. I think the Connétable of St. Brelade asked about the security checks. If we are talking about security checks, you do need to sign 2 pages that people know you and recommend you. It should be your accountant or a person like you, as a Deputy, can sign the form, and you do run some police checks. To tell you the truth, how far it can go, I do not know. But if we are thinking about it, recently I had a conversation with the Chief of the Police about D.B.S. (Disclosure and Barring Service) checks. How many States Members have D.B.S. checks? Some have, some do not, but do we do this D.B.S. check? We all work with people, we all work with vulnerable people. At least the basic things that if we are really thinking about the checks that need to be done when you are elected as a States Member, I believe the D.B.S. check needs to be run, and I believe on the same level it can be run, the same test that you do for the national checks. To be honest, we know occasionally if you are born in the country, you are loyal to the country, it is the assumption, as Deputy Scott said, in most situations, but we all know that it is not 100 per cent sealed. Now, I am going back to "Life in Jersey" and why I brought it in the first place. I am looking at the Minister that is responsible for Island identity. I hoped that we did have a bit more progress with Island identity type of citizenship type of test. I even suggested a ceremony last time. As we all have a ceremony, I suggested somebody who passed the citizenship test can go through the ceremony to pledge loyalty to Jersey Island, because we do not have citizenship. What about the test? It is bringing me back to my Jewish heritage. In the Jewish tradition - in *Torah*, the first 5 books of the bible and Kiddushin 40, and you know that I am not religious but I do connect to my Jewish roots very strongly - we have a sentence saying ... I am translating it from Hebrew, so follow my translation if it is not perfect: "Study leads to action which means theory precedes a modified practice." What

does it mean? Because in Jewish tradition we have lots of debates, the study is going through the debates: “2,000 years Jewish leaders should find innovation solution to keep the national Jewish identity together.” Learning, it was the only way to keep the Jewish together when they were across all the world. Our identity, it is our story that we are telling for ourselves. Who we are, without knowledge we cannot tell ourselves. For me, learning about Jersey culture, Jersey tradition, and also British, because Life in Jersey, like the U.K. citizenship test, the Jersey citizenship test, you have life in the U.K. and life in Jersey. There were questions that I have been asked. It is not knowledge, it is the way we live in Jersey, the way we communicate. I am not sure if you have had a chance to look through the questions but there were some very interesting questions, not necessarily to knowledge. I know it is not perfect but I think saying we are in the 21st century and we are developing our Jersey identity. Which way this debate will go, I would really look and encourage Members to think what is the 21st century Jersey identity. Regards the Senators, I think that was a bit “they voted this way”. I do not think it is about the party. I did support the Senators because the Chief Minister said we have legislation capacity and I do believe for this it should be same legislative capacity when it is working together at the same time, so we cannot say yes for one and not for the other one because it is coming together. I believe if we are thinking about our Jersey residents, I have 28 per cent of our residents, almost every one in 4 residents, English is their second language, so I assume they would have another citizenship.

[10:30]

I do not know how many of them have U.K. or not but telling these people, 25 per cent, 28 per cent of the residents that they might be not loyal, I think it is really to take it far. I would also encourage P.P.C., if this proposition is adopted, to think about the ceremony - I know that it is not part of the proposition - but to make sure there is loyalty, there is alliance and there is a communication. This is where I am now and I will be supporting.

2.1.7 Deputy M. Tadier of St. Brelade:

I am pleased to follow the last speaker, as the cliché goes, and before I start can I just give my apologies for not being in the Assembly in person. I have woken up yesterday - too much detail probably - but I do not want to infect people, is what I am saying. I think I would be spreading my germs if I came in. The previous speaker I think touched on something where this debate needs to go. I think the first point I would like to make is that this is a different debate; we have not debated this yet. Members will know that probably I am a bit of a purist when it comes to this issue in the sense that I just think let democracy do its thing. Take nationality out of the equation, anybody who lives in Jersey and is a Jersey resident, if you like, let them put themselves up for election if they have great ideas, the electorate might support that, and if they do not, then they will not get elected. But we have had those arguments and as a democrat I accept that the arguments I put forward did not find favour with the majority of Members. I think there is some consensus to be had in this issue because I do not think that everybody in the Assembly, whether it is this one or in the past, has been absolutely against the idea. I think it, first of all, comes down to the question of what kind of Assembly we are constitutionally. Are we a national Assembly or are we a regional Assembly? Because we had Deputy Ozouf saying that we are a British Island and we do not have autonomy over our foreign policy and that our foreign policy is set by the United Kingdom and their politicians that we do not elect. I think that is true. We may or may not like it but that is factual, but at the same time we do tend to see ourselves as a national Parliament, increasingly, I would say. We know that we have very large amounts of autonomy, certainly when it comes to law making and the raising of taxes and other policy areas which we can set, and so I think there is an element of both of those. I think both of those would therefore point in the same direction. If indeed we were a regional Assembly, i.e., the parent Assembly is Westminster, the House of Commons, the House of Lords, and then we are one of the regional satellites - something which I do not accept, by the way - if that were the case then that would give us a lot more latitude in terms of who would be able to stand for election, as Deputy Alves, quite rightly explained earlier. The regional Assemblies of Scotland, or

the devolved Assemblies or Parliaments, I should call them, do have much wider criteria for who can stand for election and who is eligible. If we are, on the other hand, a national Assembly, i.e., it is the Assembly of Jersey, the nation of Jersey - and we are increasingly talking about nationhood in a slightly more nuanced way - but it is becoming more understood that maybe we are a nation because, after all, we do have a national day, then it should be up to us to decide who we allow to stand for election. The test really should be: are you a citizen, not of a different country, a country that some of our Islanders may never have been to, which is called the U.K., or are you a citizen of Jersey, the Island that you live in, that you work in, that you have maybe had children in? Is that the test we should apply? It seems much more likely - not speaking as a politician necessarily, but just as a citizen of Jersey, somebody with an interest in democracy - that the latter is where we should be looking for the membership of our Assembly. Now, the previous speakers might have said the public want us to be talking about the issues that are important to them. Absolutely correct. I think the topical issues of the day are certainly things like housing affordability, home ownership, cost of living, those are probably some of the central issues, as well as education and maybe issues of just general security and safety of the Island, but it is primarily, I would suggest, those first few. Who do we think we are to suggest that only we, or only the current eligibility of people who might put themselves forward, are the ones who have an opinion or indeed a solution on those issues? We had a debate yesterday when we did say we are an inclusive Island and that we are a welcoming Island and that you can become an ordinary resident, a resident with a right to remain in Jersey, irrespective really of where you come from, but because of how long you have been here. I think that is a much more appropriate test to apply. I do have to mention - I do not want to dwell on it, Sir, and colleagues - because indeed this whole idea of national security, I see it as a red herring. I do not think this is the case for Deputy Scott, by any means - she has raised it in the previous debate - but I think that when you hear that from a member of the public I am thinking: "Is that what you really think or is it just a smoke screen for prejudice ultimately?" Because are we really saying that, for example - and I do not like to use them as examples - Deputy Gardiner, Deputy Kovacs, Deputy Porée are potential spies because they have another nationality and that they are a threat to our national security, either in Jersey or as a British unit? I do not think we are at all, are we? Is it potential? But we could go one step further if we are going to get into this kind of McCarthyism paranoia about are we going to say that anybody who is not born in Jersey might also have split loyalties? Does Deputy Gorst, who is our Minister for External Relations, have divided loyalties because he is born in a different country, he is from the U.K.? What if there was a tension between U.K. policy and Jersey policy, where would his loyalty lie as a U.K.-born resident who has moved to Jersey? Of course, we heard yesterday that many Members of our Assembly who are elected already, they declared an interest because they thought that they might be affected, their status would be changed because they have not been here 30 years but they have been here 25 years. I think rather than getting down that paranoid rabbit hole - welcome back - is that I think we should be saying, the people who live in Jersey, can they help us find solutions to these big issues that we are facing? I think the answer surely has to be, yes, they could. I am also picking up a vibe from the Assembly that Members might wish to try and keep their head down on this kind of issue but I think it is fundamental that Members put something on record to say what their view is. I think, even if this debate does not succeed, and I hope it does succeed because I think it is the direction of travel we need to be going in, Members should say what they think. A lot of the arguments we have had about national security or about timeframes seem to be coming from those who do not want the system to change anyway, and I think we need to be arguing as to the merits of the proposition rather than any peripheral issues as to do with technical matters as to why it might not work. Ultimately, I think what we have to get back to is: are we an inclusive Assembly? Are we trying to be a more inclusive Assembly? I would say to Deputy Scott, the other day when we both watching, indeed - and Deputy Miles was with us - the La Moye School students, I do not remember they had to bring their passports with them when they stood and spoke in this Assembly. We did not suggest that the students who were not necessarily of British nationality should be excluded from the proceedings and they should maybe have to wait outside because they could not possibly ever become a States Member until they were British citizens. We were simply

respectful and accepted the fact that they all had something to bring to the debate and that their voices were equal. Why are we, as adults, any different? When did it change? When do we apply different rules to adults and say that: “When you are an adult we require a piece of paper to decide on whether or not what you are saying is valid”? The key difference here of course is that Deputy Alves has learnt from my mistakes, I think. I was perhaps a little bit like Einstein, trying to do the same thing over and over and getting the same result. It is not totally fair, I would say, because I always changed, I always had a slightly different tweak to the proposal. But Deputy Alves’s proposition here is much more positive, in that it does not remove anything, so we do not stop being a British Assembly, we do not stop being a Crown Dependency by any of this. We are not removing the nationality requirement for British citizens, we are just simply saying that is one way to qualify. Another way to qualify is that if you have been in Jersey for an extensive period of time, then if you want to you can stand for election. I would put this, just maybe word of warning, is that we sometimes have a too important opinion of ourselves as an Assembly in the sense that of course what we do here is important, what the Government does is important. There are lots of jobs in Jersey that are at least equally important or if not more important which we do not exclude members from on the basis of their nationality. I think what I would like to hear from is certainly those advocates who routinely stand up and advocate for minorities, whether it is women, children, trans groups, other affected minorities that live in the Island, I would like to hear what these members have to say about what we maybe need to do to become more inclusive in our outlook. Finally, this is a technical point, I have been concerned in the past that we would seek to put a test requirement on anybody to stand for election where we ourselves do not have to pass a particular test. What I would say to the mover of the proposition is that if she were taking this in 2 parts, I might struggle with that second part. If she were to move it together, on balance I would probably vote for the proposition because I think the direction of travel here is getting to a point where we do want to be. I think this can be delivered quite easily in time for the next election. I think the positive message that we are not just here to talk about ourselves, we are here to talk about the wider community and how we become more inclusive is a positive message which we can all be endorsing today if we want to.

The Bailiff:

Deputy Scott, you have your light on; you have already spoken.

Deputy M.R. Scott:

Yes, I wanted to ask the Solicitor General a question, please.

The Bailiff:

Does it arise out of what we have just been listening to?

Deputy M.R. Scott:

Yes, it does.

The Bailiff:

Very well, yes, please do.

Deputy M.R. Scott:

It relates to the discussion about the naturalisation, the actual inability of children that have been born in this Island to have British citizenship. I just wondered what is the law, how are the fees charged and who is the Minister responsible, please?

The Bailiff:

By fees, do you mean fees of naturalisation subsequently? I just did not understand the question, Deputy.

Deputy M.R. Scott:

Currently there is a requirement for a fee to be charged and I am wondering whether there is scope in the law for different rates to be charged.

The Bailiff:

Deputy, just to be clear, a fee for what?

Deputy M.R. Scott:

For naturalisation, to be ...

The Bailiff:

Right. So for someone to take British citizenship, you are asking the Solicitor General what the law says about charging, who is responsible for it, and is it correct that some children born in Jersey are not British citizens?

Deputy M.R. Scott:

Yes, and would it require a change of law? Could it be dealt with by regulations?

The Bailiff:

Mr. Solicitor, I assume you would like some time to think about that.

The Solicitor General:

I think "some" is an understatement, I will probably need quite a bit of time; it is a lot of questions.

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

I will keep this brief because I was prompted to say something after Deputy Gardiner raised an issue on something. Also, I am glad to follow Deputy Tadier talking about the wider issue of why this is important to bring people from all areas but who are wanting to be in Jersey and make Jersey their home, to be able to do this job that I am proud to do. Even though it may not be the most important job in the Island, I am proud because we are making important decisions.

[10:45]

The last debate we had, I raised the issue of the fact that for myself I potentially could lose my British citizenship if I had wanted to pick Dutch because of my husband and go and live in the Netherlands, so there are these rules where you lose your nationality. Maybe not your loyalty but your nationality because of other rules of other countries. I also just wanted to - and I do not know the details and I may be corrected by lawyers in the room - but my children were born outside of the U.K. and so they have British citizenship only by descent because I am British. But their children, if their children are born outside of Jersey, outside of the U.K., my grandchildren will not automatically be British, and it is called "double descent". I was looking at legal things here, I have not really looked into it because at the time it was what I wanted to do. I wanted to be with ... my work was taking me to Brussels to do stuff for the E.U. and that is where I wanted to have my children and raise them there, also with my non-British husband. Then I felt the draw back to Jersey and to hopefully end up being a public servant of Jersey, but my children have the same situation. If they want to go out and explore the world and go and do exciting jobs around the world, their children will not be British.

The Bailiff:

I am sorry, could we not have a conversation going on? If you would just continue with your speech.

Deputy H.L. Jeune:

I was getting distracted. If they came back to Jersey and where the roots of family are in Jersey, in this situation they would not be able to stand and follow their grandmother and their great-great-grandfather in being an elected servant of Jersey. I am supporting this because I think entitled status

shows that you are in Jersey, that you have chosen Jersey as your roots, and I think that is loyalty, and that is more important than where you are born.

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

The first thing that comes to mind on this is: how do we as an Assembly broach these topics better in the future? How do Members who are not raising a government proposition introduce these topics without what inevitably becomes a stand-off nature of a debate where, frankly and realistically, most Members here have made up their mind? I say that because I have not made up my mind on this one, so I have been listening intently. I just raise because I remember in the former debate we had on a similar proposition by Deputy Tadier, I said it was important for Members to talk about this one, and do stand up and share their views, and I have had the chance to go through Hansard and look at it. I would like to first deal with the comments made by Deputy Scott. The part that confused me, and I think has been dealt with now, is the words were originally used that “Members are only loyal to a nation”. I think it was clarified, thankfully, that there is a loyalty to a nation, it was not that it was only one nation. We do have dual nationals who, if we believe their citizenship has a lot of loyalty within it, would therefore be loyal to 2 places. The national security concerns, I am relieved in re-reading what the Minister for Sustainable Economic Development, Deputy Morel, talked about. He said that Jersey is not privy to any military secrets as far as he is aware. We do not have an army, we do not have a navy. I think Deputy Tadier highlighted this, we have got to be realistic as to who we are and proportional. I note Deputy Ozouf’s comments on the Venice Commission, echoing that of P.P.C., and I am now torn in that position. Do I feel I stick with the good governance procedures that I voted for and this Assembly did not, or do I believe that this Assembly has created a pathway to pragmatism on this where we have a view? I am really confused. Lastly, on to the proposition itself, the criteria set here are pretty strict, they are pretty comprehensive. I think it is described by Deputy Alves, to meet the 2 criteria, (i) to have permanent entitled status and (ii) to pass a Knowledge of Life citizenship test. One would meet, in most circumstances, a requirement to be a British citizen. The question is, if you go so far as parts (i) and (ii), why would you not become a British citizen? I am left asking myself that and, of course, there are 2 reasons: one provided by the mover of the proposition is cost. One would hope, having passed a Knowledge of Life test and holding the permanent entitled status, that somebody who had got elected to this Assembly would then feel empowered both through their mandate and, frankly, financially to make that decision, they would have the prerequisites. Then it comes to option (ii) they cannot, even with the Knowledge of Life test and permanent entitled status, become a British citizen, and that is where Deputy Jeune just spoke. Sometimes we would say this is such a high barrier, let us just keep it as it is, but there are 2 potentially valid reasons here why meeting a fairly equal position to the requirements but obviously creating that differentiation, which was highlighted by many Members in the previous debate, I think could cause merit, notwithstanding the concerns that we are not in a position to change Deputy Alves’s wording on the timeline. I think that is what we have got to get to grips with, is those remaining 2 classes. Is the cost a barrier and, fundamentally, would we really be worried if there were people who could not become British citizens because they may be a citizen of an ally of ours but their nationality, their citizenship, would require revoking. But notwithstanding that, they have decided to spend the time to be here, to be permanent entitled and learn the formal knowledge required to pass the Knowledge of Life citizenship test. I would like to think that in those educators, which is what this deals with, it does not deal with people who have been here 5 years and would like to treat it as any other job and come from any part of the world, that this is quite a safe one that deals with those educators discussed on the previous amendment. I would like to think that I will remain to hear from other Members, as I have been sitting on this one, thinking long and hard. Just for the avoidance of doubt, I know absolutely no one who is looking to fall into this or would benefit from this if it is being asked, I know absolutely no one connected to this, I just am talking from what might benefit the Island.

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

I start by apologising to Members, I am having real trouble with my hearing today, and I cannot even hear myself properly. If my volume goes all over the place, I apologise. I just wanted to say I have spoken in this sort of debate in the past. I come from a place which is quite simply, I am more interested in somebody's views and sense of identity with regard to Jersey than I am with regard to the U.K. or Britain. One of the reasons I say that, and I have to look to 2016 and the Brexit vote as a big part of that, but I will just break it down. I know plenty of people from the U.K. who are British who live in Jersey, who do not see Jersey as any different to the U.K. They see Jersey as just part of Britain, as part of the U.K. They see this Assembly as no more than a local council. There are obviously British citizens who feel differently but there are plenty of British citizens in Jersey who feel that way. That perspective, in my opinion, should rule them out from membership of the States Assembly because I am far more interested in their views about Jersey and Jersey identity than I am in their views about Britain and British identity. For me, whether somebody is born in Jersey, born in the U.K., born in Portugal, Israel, wherever, if they have lived here for 10 years, if they have done the test, as suggested in the proposition, and they are willing to do this job as well - because let us face it, there are both positives and negatives to doing this job and it is a tough job - to me that is more important, that they are focused on this Island, believe that this Island's identity is paramount when it comes to being in the States Assembly and that the identity with regard to Jersey, effectively, in my view, should trump their identity with regard to Britain or not. Let us also then look at this in context. In 2016, the United Kingdom voted to leave the European Union and it did so in a referendum which was, in many parts, xenophobic, in many parts aggressive against other European nationalities, and it sent out a massive statement to, particularly European nationalities, other E.U. nationalities, that Britain was not interested in them. If you are a Portuguese resident of Jersey for the last 20 years or a Romanian resident of Jersey for the last 10 years or 15 years, you were told, right there and then: "Britain does not welcome you." Why would those people who have received and heard that message in 2016, and then all the way through - it did not just stop in 2016, the nastiness carried on all the way through 2020, 2021, it still carries on today - why would you want to become a citizen of that nation which has told you it does not want you, it is not interested in you? Why would you want citizenship of that nation? That nation is pushing you away. Jersey, however, has a very different perspective, we welcome Europe, we are European, we welcome Europeans to work in Jersey. Without them, our society would not function. Again, I come back to, from my perspective, I am far more interested in somebody's views on Jersey and their sense of a Jersey identity than I am about whether they are British or not. Somebody who is, for example, Portuguese and has lived here for many, many years, can feel very Jersey but feel not British at all. I respect that entirely and I would not want them to feel that they could not stand for the States, particularly when I know there are British people who do not see the States Assembly is worth anything at all. For that reason, principally, I do support this proposition, as I have done in the past, because to latch on to this idea of British citizenship, I just think is anachronistic. Yes, the monarch is Jersey's monarch but that is exactly my point. I see them - and I am not saying everyone else does - but I see that monarch as Jersey's monarch. It is also the same monarch who happens to be the monarch of the United Kingdom but to me they are separate, they are 2 effectively different roles. Again, that is one reason why for me having British citizenship and sitting in this Assembly is not the paramount requirement. I also think it is important to say there is an element of having to trust the electorates as well and, again, if someone is of a different nationality, they are Italian, they have lived in Jersey for 20 years, the electorate in their community knows them well and knows that they are committed to Jersey, why should they not be elected? If the electorate senses that they are somehow treacherous towards Jersey or have some sort of element of threat towards the Island and Britain as well by extension, my guess is the electorate will not vote them in. If an Islander standing for election who lived all their life in Jersey but shows very little interest in the local community, they are just standing for election, they tend to get thrown out by the electorate because they have not got depth of community links. It can be the same for anyone of any other nationality, regardless of what that nationality is. If they have shown over years their links to the community, their desire to help their community and support the community they live in, there is every reason the electorate might return

them to this Assembly, regardless of whether or not they have British citizenship. My perspective, and the perspective I ask other Members to look at, is the concept of your loyalty to Jersey, your sense of Jersey identity and how you can have a very strong Jersey identity, but it does not automatically follow that your sense of Jersey identity means you have a sense of British identity. It is that bit that really this proposition asks us to forgive. Forgive the fact that there are people who live here who do not feel British but do feel very, very Jersey. Forgive that, and allow them to sit in this Assembly because they have a lot to give this Island. Being British does not automatically mean you are not a security threat; there are plenty of security threats from British people.

[11:00]

Being not British does not automatically mean you are an increased security threat. People are threats or they are not threats. All those sorts of negative actions are just created by people, and people are people no matter where they come from in the world. If you speak to anyone who has travelled the world over, one thing that always comes back time and again, it is a cliché, is when you travel the world you learn that people are all the same wherever they are, and we will say that. We have travelled and gone to different countries and say: “Wow, they are amazingly similar to us” even though their cultures are so very different. We are humans, human nature is what binds us all. From my perspective, Jersey need to be international but Jersey needs to have a sense of itself and the types of people I would like to see sitting in this Assembly are people who believe in Jersey having a sense of itself and buy into that sense of Jersey self. Being British is, in my view, something of a tangent and being British does not guarantee that you believe in Jersey’s identity. Being British does not mean at all that you see Jersey as separate from the United Kingdom. Again, I am more interested in States Members who do see Jersey as separate from the United Kingdom. Those are the reasons that I will be supporting this proposition. **[Approbation]**

The Bailiff:

Thank you very much. Deputy Scott, is it a point of clarification?

Deputy M.R. Scott:

Yes. Yes, if the Minister would let me ...

The Bailiff:

Do you give way for a point of clarification? Yes, very well.

Deputy M.R. Scott:

Yes. Just because Members may be confused, given that I had been delegated the cybersecurity portfolio from the Minister’s speech, I just wanted to clarify, does he recognise that the Jersey Government officers have a relationship with the National Cybersecurity Centre in the U.K. and perhaps others deal with other security intelligence centres in the U.K.? That, therefore, in terms of the way forward in allowing ... and of course there can be paranoia about Russian sleeping agents, I agree but ...

The Bailiff:

This is turning into a second speech, Deputy. It really has to be ...

Deputy M.R. Scott:

Sorry. Does he recognise this and how does he square this ...

The Bailiff:

No, it is not to ask about is he square. You are clarifying from the previous speaker, what the previous speaker meant when he said certain things; that is a point of clarification.

Deputy M.R. Scott:

Right. When he meant that it is important to recognise other nationalities, whoever they are and in Jersey, and would that extend even to the people who have been resident in countries that U.K. constitutional partner in matters of cybersecurity and others recognise as hostile states?

Deputy K.F. Morel:

I can clarify that I do recognise that officers in the Jersey Government work with the National Security Council and other elements of the U.K. Government. But not all officers in Jersey's Government, indeed not all officers in our Digital Policy team are British citizens I believe. I believe we have officers operating in that area who are not British citizens. I do recognise that but I also understand that being an officer in Jersey's Government does not have a requirement to be a British citizen.

Deputy M.R. Scott:

Did not quite answer the question about ...

The Bailiff:

Nonetheless, Deputy, that is as far as we are going with that point of clarification. Mr. Solicitor, are you now in a position to advise the Assembly?

The Solicitor General:

Yes, I will do my best. Deputy Scott asked a number of questions. Is a fee payable for naturalisation? The answer is yes. The fee from time to time is set by Ministerial Order, made pursuant to the Immigration Act, as extended to Jersey. The Minister responsible is the Minister for Justice and Home Affairs. Presumably, having been set by Ministerial Order, the fee payable from time to time can be changed by Ministerial Order. The other question was whether it was correct that some children cannot become naturalised British citizens, as opposed to citizens by birth. The answer to that must be that if a person meets the criteria for British citizenship through naturalisation, all things being equal they would be entitled to apply for it and obtain it. I hope that is helpful.

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

I very much enjoyed listening to Deputy Morel's speech, just before he goes. I think he made some really good points there. I do not necessarily see eye to eye with him on every element of my Jersey identity and that is the nature of being a Jersey person, is that we have different aspects of our identity and things that matter to us but I think he encapsulated much of that very well. There has been some commentary about how many times this issue has come up in States debates. In response to that, I would say that the arc of history is long but it curves towards justice. We may well have Senators and congressmen who stand in the doorway and block up the halls but the times they are a changing and one day we will be in a situation where this strange restriction on who can put themselves forward to be judged through our democratic process will be done away with and we will be all the better for that. Those of us who believe that that is in Jersey's interests are not going to go quietly and will keep bringing it up until we have that justice. We may face setbacks from time to time but you do not just give up on what you believe in, especially when you consider it in the interests of the people who you represent. Just addressing points that were made from other speakers, I will not dwell on this one too much but Deputy Scott expressed her surprise that the issue of national security had not been dealt with in the proposition. The reason for that is very simple, it is because it is irrelevant. It is not a due consideration and it is based on all sorts of assumptions that, frankly, are absurd. One's loyalty to their community is not determined by what piece of paper they have or how they acquired it. I am guessing around 80 million people in this world possess a British passport. I never asked for it, I did not apply for it, I did nothing to deserve it, apart from the fact that my parents happened to be in Jersey when I was born. It is not a demonstration of anything about what is in my heart to either the United Kingdom or to Jersey. What is in my heart is, therefore, completely separate reasons and that is where my loyalty to Jersey comes from. It is also an absurdity to suggest that of those 80 million or so British citizens, 99 point whatever per cent of which have nothing to do with Jersey,

are somehow more loyal to Jersey and its security than people who have come from other places who are not British citizens that have been here so long. I know that repetition is against Standing Orders but I believe that is within the debate and not against repeating points I have made in previous debates, so apologies for using this analogy again. But I think it is useful because it shows how absurd our rules are. But under our rules a person can move to Jersey from Pitcairn Island, as far away from Jersey as is possible to be without going into outer space, come here, loll about for a few years, do nothing and they get the right to run for election on a presumption that they are more loyal to Jersey than somebody who came here from Madeira at 6 months old, lived here for decades, contributed, volunteered, has known no other home, apart from Jersey, and somehow there is a shadow hanging over them suggesting that they are not loyal. I will call that what I find it, I find that notion offensive because I know many people in our community who love this Island as much as I do and the fact they do not possess a British passport is nothing to do with it. Of course it is no guarantee of any kind of loyalty or protection on a national security basis because British citizens, like citizens of any place, are capable of becoming traitors. Short of that, anyone is capable, inadvertently perhaps, of being a useful idiot and simply inadvertently saying or doing things that are against national security, even if it is not their intention. Possessing a British passport has no impact on that whatsoever. That is why I think that the compromise proposed by Deputy Alves, which does provide, I think, a far more tangible test of loyalty to say that you have stuck it out in the Island for a period of time, is far greater than spending £1,000 to acquire a document that pledges your loyalty to another country. Because Jersey is British but Britain is not Jersey. You cannot run for the Assembly unless you pay £1,000 to pledge your loyalty to the United Kingdom is absurd. Of course it is a matter of great embarrassment to us that our neighbours in Guernsey are well ahead of us on this in realising it. On the comments from P.P.C., which I find very surprising, I have studied the Venice Commission for about 12 years now. It is a matter of great interest to me; I have considered it in all sorts of debates in here. I am surprised that it is portrayed as having some kind of relevance in this, given that the impact it has on the voting system is nothing. It has no impact whatsoever about how our polling stations work, what our constituency boundaries are and where somebody goes to register and then casts their ballot paper. The only thing it does is have an impact on who might choose to come forward and, therefore, end up on a ballot paper. Your experience as a voter is not affected by this, apart from your choice of candidates and there are a whole load of things that determine what your choice of candidate is. I am astounded that a link is being drawn to that Commission when it is clearly more in line with the material things that affect a voter's experience in the system, how it is constructed and how they engage with it, not what names might end up on a ballot paper. People drop out of elections. People appear in elections at the last minute. No one is going to suggest that that is somehow providing instability or uncertainty in an election process. I really think that it is misjudged of P.P.C. to draw that connection because they are clearly not connected in the way that it materially was when we debated P.2. I hope that Deputy Alves, having considered a way forward following the previous debate, can bring some Members on side now who might have expressed reservations previously to find this as a decent middle ground that helps move us forward. But we can make no apologies that if it does not go through it is not going to be a matter upon which people just become silent. Because we know that there are people in our community who love Jersey as much as we do, who have every right to take part in our democratic processes, who, let us not forget, have the right to vote, although that has been brought up to be questioned in a previous debate, quite wrongly in my view. These people have the right to vote in Jersey but not the right to stand for election; that is a disconnect, that ought to be corrected. It will be corrected one day and we will keep fighting for it because that is the just thing to do.

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

Jersey has long 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 Island's values of inclusivity and fairness have already been reflected in key changes over the years, such as extending jury service, voting rights and the right to serve in the States of Jersey Police that are not

British nationals. Today we have an opportunity again to build on this progress by ensuring our democracy is more inclusive and truly representative of all those who call Jersey home. This proposal is not about nationality, it is about commitment, experience and vision for Jersey's future. Many non-British residents have contributed years of service to our Island and their ties to Jersey are there. They are part of our community and they should not be excluded from the political process simply because they are not British citizens. We must ask ourselves, does loyalty to Jersey require British citizenship? After all there are British citizens who have lived here for a short time, yet people who have dedicated decades to Jersey are denied the opportunity to represent it in the States Assembly; that is simply not right. Our identity as a community is not defined by nationality but by shared values and the commitment to our Island's future. Spanish and Indian nationals and after Brexit, there are a few others, cannot have dual-nationality as British. I have heard similarly from a lady that came at the vote.je event on International Women's Day. She has lived in Jersey for over 25 years, is deeply committed to this Island and wished to stand for election. However, she cannot do so because she is unable to hold dual nationality and, to the context of Brexit, she cannot give up her citizenship, which is vital to her. Should we deny someone the right to stand for election just because she cannot afford the costly and lengthy process of naturalisation or because of dual citizenship restrictions? Of course not. Similarly, I ask you to consider the example of someone from the British Virgin Islands, a British national from the other side of the globe, who can move to Jersey and after only 2 years can stand for election.

[11:15]

Does this person have a greater loyalty to Jersey than someone who has lived here for 10, 20 or even 30 years building their life, their family and their career? Or does my British passport, along with the Romanian one, dedicating myself any different to helping people in Jersey? For sure not. It is not about nationality, it is about dedication to Jersey. Additionally, the financial burden of the naturalisation process, costing up to £2,000 and takes up to one year to obtain, is out of reach for many residents. This, along with the barriers that some nationalities face being unable to hold dual-citizenship, makes it unfair to require non-British residents to become British citizens just to stand for election. Why should someone with deep ties to Jersey be excluded from the political process because of such financial or legal burdens? This proposition is about fairness, inclusivity and reflecting Jersey's diverse population in our governance. It empowers residents who have shown dedication to Jersey to have a voice in the decision-making process that affect us all. We must trust the electorate to decide who is best suited to serve our Island and, if the candidate is not fit, the people of Jersey will have the final say at the ballot box. Let us take this step towards a more inclusive and representative Jersey, and I ask you to support this proposition and move forward with the policy that lies with our Island's values of inclusion, fairness and our thinking governance.

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

I know that Members will not thank me for continuing the debate, so I will endeavour to be brief. This is an issue which has arisen many times and we have heard similar passionate contributions. I, for one, have not been convinced by those passionate contributions but I do think there are issues which would warrant further review by P.P.C. because they are not straightforwardly resolved. There ought to be a reasonably high barrier to standing for election. That is not anti-democratic, it is about democratic standards. If we look elsewhere the barriers that most countries have in place are far higher than the barriers that we already have in place and yet, on the back of this proposition, without that appropriate work being undertaken by P.P.C., we would be reducing them and not understand what that would mean in a wider context. Because how do we analyse commitment? Which really is what Members have been talking about. I do not think we have come up with a process or proposal that properly allows us to analyse what commitment is to this community that we are all privileged to be a part of and privileged to call our home from wherever we have hailed. Whether we like it or not if one is born in Jersey one is a British citizen. We have heard some views around what that citizenship means or what it does not mean. Therefore, I think that it would be wrong of us to support

this today and just to make that decision based on some passionate speeches. It is rather better to do what I think P.P.C. have said, is that they do not currently have the time to do this. Despite what Deputy Mézec said, they do have some concerns around compliance with the Venice Convention and, therefore, it is better for them to do that work and come back to the Assembly when they have spoken to members of the community, when they have done a proper analysis of what other jurisdictions, countries and islands do. Then we are able to make an informed position because it is true, being a British citizen does not mean one is automatically absolutely committed to the country in which one lives, whether that is Jersey or it is a part of the United Kingdom, nor does it automatically mean that one is not committed either. Being resident for 25 or 30 years, nor does that mean one is automatically committed or passing the test, nor does that mean one is automatically committed or not. In the spirit of Deputy Mézec's speech that this issue is not going away because he sees it as a matter of fairness, I think he said, then the only correct approach must be to vote against this proposal and then to ask P.P.C. to undertake that work which is very necessary. We have got facts upon which then to base our decision and Members can bring this decision back in light of all of that evidence.

2.1.14 Deputy T. Binet of St. Saviour:

I had not intended to speak on this at all. I am very grateful to Deputy Gorst for getting up and saying what he has just said. What has become clear from this morning's debate is that the situation that we have got at the moment is far from ideal, antiquated and out of date. We definitely need to do something different. I am going to vote against it today but not because I am against it in principle. I would like the thing looked at properly and properly to find a Jersey solution put together, so they can come back here and we can vote on something that has been given really good consideration. But I certainly think there have been some very, very good points made towards this today and I look forward to that coming back where we can take another vote hopefully.

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

I thank Deputy Gorst and Deputy Binet and I would also like to say that perhaps we could look at how much it does cost to become a British citizen; that might be part of the work.

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

Just very briefly, what I wanted to remind Members is that we are gatekeepers to our Parliament and quite often members of the public who are interested in standing for election will come to us and request advice and support. I just wanted Members, before they cast their votes, to picture somebody like that standing before them because I think it is quite theoretical and abstract when we are discussing it. But there will be members of the public out there who have perhaps lived here for more than 20 years, 25 years and want to take part. What we are saying if we disallow that is you do not belong here because this is a proposition about belonging. I think there are inconsistencies in whether people can vote or not. If you can vote I think you should be able to stand for election. I think you should either be democratically eligible or not. Yes, I would just like Members just to picture an actual person who has made their life here in Jersey standing in front of them and asking for support and belonging and whether you would be able to say you belong here or you do not belong here. I think that should guide Members in how they vote.

The Bailiff:

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

2.1.17 Deputy C.S. Alves:

I thank all Members for their contributions to this debate. I would like to start by just mentioning Deputy Morel mentioned 10 years, so I just wanted to highlight the permanent entitled status is currently 30 years, obviously that has come down to 25. Some Members may still have this sheet on their desk which outlines that if you have come to the Island as a child there are some other kind of

provisions that enable you to become a permanent entitled as a child. But I would like to also thank Deputy Morel for his supportive comments. I am going to start by just addressing Deputy Gorst and Deputy Tom Binet, which I found quite disappointing and almost a double standard, to be honest. Because both of these Deputies have asked for P.P.C. to do the work, things to be looked at properly. They have asked for facts and evidence to base their decision on. This was done for the Senators' debate and I spent a good chunk of my first term doing a lot of evidence-gathering and number-crunching. But these Deputies decided that they would vote against all of that evidence and all of that fact and vote in favour of something that decreased voter equality. It does feel like it is a bit of a double standard. Deputy Scott, with regard to the national security risks, I know that a number of Members have already addressed this but I would like to add that if there were concerns about national risk, that the naturalisation process should include a national security risk assessment or steps to minimise that. This proposition is asking those that meet that criteria already to be able to stand without having to go through the cost of naturalisation. There has been a lot of talk around loyalty, and I will not cover the points that say that having a passport obviously does not necessarily equal national loyalty. I think the points raised by Deputy Tadier on that covered it. To make a point, I do have 2 passports and I know that there are other people in this Assembly that have 2 or more passports. I know of people in the community who have 4 different passports, as they have lived in a number of different countries. Is it not possible to be loyal to more than one thing? I know that I have multiple loyalties with multiple friends and family members, for example. I would like to just highlight the points, and thank Deputy Gardiner about her points about loyalty and identity and connection. I think she covered that really well and I could not have put it better myself. Deputy Scott also raised concerns regarding us as Members having access to information. Even as elected Members, we do not have full access to government systems and access to our Islanders' details, I think which is much to some of our constituents' surprise. Because a lot of the time when I am contacted by constituents they assume that I can just log into the computer system and bring up their social security or all of those things, income tax. But we need to get signed consent every time in order to discuss anything to do with our constituents. The Constable of St. Brelade raised background checks, and I think Deputy Gardiner touched on this. A criminal record check is required as part of the naturalisation checks. But we currently have exclusions in our elections though regarding those who have committed certain crimes not being eligible to stand; that already is part of our election law. There are already restrictions with that. There were also a number of Members that mentioned obviously the Venice Commission and that this was contrary to the position that P.P.C. took on the Senators. I would just like to requote the quote that was in the P.P.C. comments which says: "Election legislation should be enacted sufficiently far in advance of an election date." Far in advance, it does explicitly say 12 months, although obviously that would be best practice. But, as stated before, this Assembly has already accepted that they are happy to play around with that 12-month deadline by accepting a previous proposition. Like I stated in my opening speech, and was covered by Deputy Mézec's contributions, this is not a radical change to our electoral system. It does not affect the composition of our electoral districts or have an effect on the method of voting. Again, I thank Deputy Gardiner for her comments reminding Members of what has been previously stated about legislative drafting capacity. Deputy Ozouf made some points around allowing non-British citizens, I just want to remind Members that there was a time when police officers had to have a British citizenship and we made changes to allow those without British citizenship to serve as officers, which also included changing things like the oath that they took in court. This was also the case for those working in Social Security I believe and some of the Income Tax officers as well. I also thank Deputy Jeune for highlighting some of the complexities around nationality. Deputy Ozouf also mentioned something about needing to be relevant, we live in an Island that we know has the lowest voter turnout in the O.E.C.D. (Organisation for Economic Co-operation and Development) countries. One of the reasons that has been cited before - and I am going to quote the Jersey Opinions and Lifestyle Survey report from 2022 again - is around the public feeling like they do not have candidates that they can relate to. This has been cited in multiple focus groups as well and that may be a way to encourage them to have role models that they can relate to. If I go back to that J.O.L.S. (Jersey Opinions and

Lifestyle Survey) of 2022, 17 per cent said: “Nobody I wanted to vote for” was one of the reasons that they did not vote in the 2022 election, compared to 3 per cent who said: “Loss of Island-wide Senator role.”

[11:30]

As mentioned by a number of speakers, there is no such thing as Jersey citizenship. In closing, by extending the eligibility criteria we are not automatically voting people into the Assembly. We are giving the public the choice. We are giving the public more choice. But not only are we extending the choice for the public, we are also sending out a clear message about how we value those who have committed so much of their lives to this Island and that we trust the public’s choice and voice. Because, after all, I think we need to remember that none of us would be here without putting our trust in the public. I urge Members to vote in favour of this proposition and I call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. 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. The proposition has been defeated:

POUR: 18		CONTRE: 24		ABSTAIN: 1
Connétable of St. Helier		Connétable of St. Brelade		Connétable of St. Martin
Deputy G.P. Southern		Connétable of Trinity		
Deputy M. Tadier		Connétable of St. John		
Deputy L.M.C. Doublet		Connétable of Grouville		
Deputy K.F. Morel		Connétable of St. Ouen		
Deputy R.J. Ward		Connétable of St. Mary		
Deputy C.S. Alves		Connétable of St. Saviour		
Deputy I. Gardiner		Deputy C.F. Labey		
Deputy K.L. Moore		Deputy S.G. Luce		
Deputy S.Y. Mézec		Deputy S.M. Ahier		
Deputy T.A. Coles		Deputy I.J. Gorst		
Deputy B.B. de S.V.M. Porée		Deputy L.J. Farnham		
Deputy C.D. Curtis		Deputy P.F.C. Ozouf		
Deputy L.V. Feltham		Deputy D.J. Warr		
Deputy H.L. Jeune		Deputy H.M. Miles		
Deputy R.S. Kovacs		Deputy M.R. Scott		
Deputy A.F. Curtis		Deputy R.E. Binet		
Deputy L.K.F. Stephenson		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy B. Ward		

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

3. Regulation of the Professional Practice of Therapeutic Counsellors (P.21/2025)

The Bailiff:

The final item of Public Business is the Regulation of the Professional Practice of Therapeutic Counsellors, P.21, lodged by Deputy Coles. The main respondent will be the Minister for Health and Social Services. I ask the Greffier to read that proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Minister for Health and Social Services to include, as part of his legislative programme for 2025, the regulation of the professional practice of therapeutic counsellors, including requiring registration with a governing body, and subsequently the Jersey Care Commission, to ensure they meet a minimum standard of qualifications, and to present the legislative requirements to the Assembly no later than January 2026.

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

I will start by acknowledging the potential conflict, it is not a conflict of interest but the fact that my wife is a counsellor in Jersey; it is declared on my declaration of interest, which is available on the States Assembly website. There is no financial benefit or risk either way for this proposition in whichever way it goes. I will start by thanking Deputy Luce because he was the first person I engaged within the Ministerial team with this because regulation normally sits with the Minister for the Environment. We had a short discussion where I highlighted the issue. We did not have a full conversation about remedies and rectifications but it was his officers who then directed me to the Minister for Health and Social Services that pointed that this was part of his legislative programme, as there was work ongoing in regards to psychotherapists and this piece of work would fit within that section. That is why the proposition is directed towards the Minister for Health and Social Services. I would like to thank the Minister for taking time to meet with me and to discuss. I think the conversation was good, it was healthy. I think we both realised there are risks and as that is also mentioned in his comments papers that there are risks, but we clearly do not agree on the methodology to how we fix that risk. One of the reasons the Minister said it is the worry about red tape, and I sometimes find that this argument of red tape is quite a difficult one because some things do require regulation and they do require work to be done to make sure that people are safe. This to me is where this comes from, is that at the moment people who are calling themselves counsellors do not need any formal qualification and that is what worries me. Because there is no protective title, there is no protective status for anybody being considered a therapeutic counsellor. Sorry, Sir, there are people talking in the Assembly again and I am finding it distracting - I do - if they do not mind. I will try and find my place again. Please, sorry, do excuse me. I suppose the point I should start with raising this is why do I think this is necessary, why I think it is necessary now. We have entered a time where there is more awareness around mental health and that mental health is not just mental illness. There is a difference between suffering with poor mental health and having a serious mental illness. Since COVID I think a lot of people have been able to reflect on their own experiences of life and how it affects them day to day, especially as we left this closed-off bubble where we were trapped away from everybody and then put back into what we considered the new normal for a long time. That created a lot of different feelings and different emotions within people and people were wondering why they felt so comfortable in being separated from everyone but then felt really overwhelmed by being put back in front of everybody. With an acceptance that mental health is more than just the absence of mental illness, that people started to question that, people started to probe into what that meant for them. This is where they started to seek help and they started to seek advice and guidance, and this is where people would not necessarily think: "I am not unwell, I am not

necessarily needing to go speak to a psychologist. I am not necessarily needing to speak to a psychiatrist. I just need somebody to help me understand what is happening to myself in the here and now.” Of course when you start to look at things like psychotherapy and counselling, and I do tie the 2 things in together and it will become more apparent when I start talking about the governing bodies because most of the governing bodies cover psychotherapists and counsellors. Most counsellors and psychotherapists would argue that they basically do the same job but they come from different aspects. A psychotherapist is what they class as systemically they will look at your life as a whole, they will look at your past and they will look at everything and they will try and build up you from there, where a counsellor will look at what is happening with you in the here and now and sort of work it through and might work backwards to where it all started from. There are obviously different theories of counselling practice, from psychodynamic to integrative, to person-centred. When you start going into all these different crossovers of different types of therapy it is quite a minefield of theories and theses. When people start looking into the private sector and people are starting to use titles that are known for delivering certain services, there is a set element of trust that we put into people who are using these names and these titles. I mention that a psychotherapist has to register with the Jersey Care Commission at the moment, that is defined within the Care Law and so, therefore, they have to register. But a counsellor is not defined within that and, therefore, there is no protection against that title. We are also seeing that there are 2 colleges in Jersey who are running courses that teach counselling skills; Highlands College and the Tara Centre, both of which use the same awarding body for their qualifications, the C.P.C.A.B. (Counselling and Psychotherapy Central Awarding Body). I am going to apologise now, there are a lot of acronyms within this because they do use them and then they do get very confusing. With these colleges providing counselling skills and there are varying levels of skills that you can develop, most people start with a level 2, provided they have had a significant qualification; G.C.S.E. (General Certificate of Secondary Education) is normally enough to qualify to move straight on to a level 2. Level 3 will give you a deeper understanding of the methodologies of counselling but it is level 4 which gives you what they consider the absolute base level of qualification to be able to call yourself a counsellor. Most of the centres and governing bodies and trainers will always recommend that people should do a level 5 if they want to work independently away from a clinic. This is why we will see that the requirement for a school counsellor in our schools is a level 4 qualification registered with the C.P.C.A.B. Potentially, between Highlands College and the Tara Centre, we could be producing anywhere between 10 and 20 newly-qualified counsellors every year vying for our market. I became aware of some issues and situations because of social media algorithms. For those who do not know how these algorithms work, you start clicking or going on to certain pages to see what they do. You start to see more of it because the social media platforms say: “This is something you are interested in. Here are more of these things that you are interested in within your local area.” When my wife was doing a little bit of advertising she asked me to click “like” on her post just so it reaches a wider audience, again for the algorithms and things like that. I thought, yes, that is okay, it is my personal one, nothing to do with my political side, so I just clicked “like”, that is fine. But of course then I started seeing the adverts and this is where my concerns started getting raised because, as I said, my wife is a qualified counsellor, she knows what the basics are, what is supposed to be done for this, that and the other. I started to see people advertising things like family therapy, relationship therapy and, most alarming, children therapy. The level 4 qualification is targeted at individuals of adult age, not children. They provide a counselling service that arrives at a single point of focus. You do not have a single point of focus within a family or a relationship. Level 4 qualification does not cover this. Where do I complain to have this person stop advertising this? There is not anywhere because there is nothing stopping them from doing this. There is nothing saying that people can offer a service. They have a qualification in counselling, although there is nothing to prove that qualification is valid and they hold it because there is no place for them to register; that goes on trust. When we look at some other industries within this Island, trust is fine. You have a reputation as a good plumber, you will recommend him to a friend, he is great plumber. He is a good plumber, he works for a company. What insurance certificates do you have? I have got this insurance certificate; that

is fine because that is plumbing. We are talking about working with people's minds and what really concerns me is we are working with vulnerable people, vulnerable children. This is not acknowledged because they do not have to register with the Care Commission but they are working with vulnerable people. Because if they were registered with the Care Commission they would be able to get a D.B.S. check, something that is required for anybody else working with children. But is not required here because there is absolutely no requirement to say that you are qualified as a counsellor, that you are able to carry out these services, and that is very, very worrying for me. The essence of my proposition is that everybody who wishes to call themselves a counsellor would be obligated to join one of the main governing bodies within the U.K. There are a number of groups that are confirmed, I think confirmed is the right word, with the P.S.A. (Professional Services Authority), another acronym, which govern the regulation of registered bodies like the B.A.C.P. (British Association of Counsellors and Psychotherapists). The U.K.C.P. (United Kingdom Council for Psychotherapists), again, another acronym, they are mentioned in my report, they are also mentioned in the Minister's comments paper. Because these governing bodies have requirements for membership, you have to prove your membership to them. There are many ways you can qualify as a counsellor, it does not have to be the C.P.C.A.B. level 4; there are degree courses you can take and varying other ways to become a qualified counsellor. These governing bodies know this. These are the governing bodies, they will check; you meet our standards you can become part of our body.

[11:45]

Therefore, they will then say to the Jersey Care Commission that, yes, they have met the ... I say there is no need for them to directly communicate. Once you get that membership of that body it proves that you are qualified as a base-level counsellor at minimum. Therefore, you have a base level of training and a base level of competency. These governing bodies also have complaints processes, which means if somebody, like myself seeing these people advertising things that I do not believe they are qualified because they are certainly not advertising any additional qualifications to say why they are qualified to work with children's families or in relationships that I can raise to these governing bodies. These governing bodies will then investigate and if they think they are degrading that group's reputation they will remove their membership. It is within their prerogative to do so because people should be committed to the ethical standards that they sign up to within these governing bodies. They hold ethical standards, which means that if you wish to practice as a counsellor that is what your minimum target of your ethics should be doing. I did not want to prescribe which governing body people should belong to because some of them have more special interests in the variations of therapists. I also do not think it is right to say we support and favour one governing body over another when there are others available. That does leave some problems because I consider myself moderately competent in I.T. (information technology) and the internet, but when I went looking for some of these people's registration numbers and details it was quite taxing to find and not necessarily that easy to do so. It took me a couple of tries on one particular governing body and I did find it because they have it in this really nice section where people pay to have a nice, promoted advert with their picture and their address and things like that, but I believe that does cost quite a bit of money a year. There is another section where it is just the name and confirmation of their membership level and status. That is why I then thought, well, the Jersey Care Commission is our local centre of our regulator, they are the people who make sure and hold all these details of people who are registered as a central databases, so people would not have to figure out: "Where do I find that governing body? Where then do I have to find them to make sure they are still registered with that governing body?" Because the Jersey Care Commission already holds this information for other practices on the Island. The only difference that I am suggesting within this proposition is that counsellors would be required to maintain that membership of the governing body. If they do lose that then they would no longer be able to be registered with the J.C.C. (Jersey Care Commission). Again, these are mentioned in my report and I do apologise to those who have read the report thoroughly that I am repeating what is in there. There are a number of different practitioners in there that just register, they do not have to prove that they are a member of a governing

body; one being psychotherapists, another being clinical psychologists, and another one being chiropractors. Since I have lodged this proposition way back in the beginning of March I have been contacted by a number of psychotherapists and counsellors telling me that this is something that really needs to be done and it is a really important thing to be done. When I have asked the psychotherapists especially: "How did you get registered with the J.C.C.? What is your process that you go through?" They said: "Well, we join the governing body", one of the ones I have already mentioned: "They provide me with a membership number, I give that membership number to the Jersey Care Commission, that confirms that I am qualified to do the role that I am being registered for, they register me on the system. But once that happens there is nothing else; they do not have to keep that membership. They can supply it every time they have to re-register with the J.C.C. and so that number will stay on the Care Commission's website. But when I look at the other groups that are in that - and I am going to specifically name the chiropractors - there are at least 4 chiropractors on there that no longer have a registration body. They have chosen, for whatever reason, not to maintain membership to that body. There is one particular chiropractor on there who has been deregistered. Now, I do not know what that means in terms of being deregistered; does that mean that their governing body has struck them off? What has happened there? I do not know but they are still on the Care Commission's website. So my idea about making sure that they have to maintain the membership with the governing body means that if something happens they would no longer be on that register, so people will know that if they go to the Care Commission's website and they see that a person is not there as a registered therapeutic counsellor, that maybe there is something untoward happening. I glanced across and saw Deputy Barbara Ward sitting there, who was very much instrumental in the title of "nurse" becoming a protected title in Jersey. I think it is important to highlight that this kind of work is important because people in these professions hold a level of trust and their skills should be held accountable, that if they make mistakes that there is a review process. Everybody makes mistakes, that is true, and there has to be a way to review and make sure that this is not a systemic problem or somebody who is manipulating or doing dangerous acts or acting inappropriately. But at the moment there is absolutely no line of accountability for anybody calling themselves a counsellor, and these are people who are helping people through mental health. I do not know which way the debate is going to go and, rather than leaving it all to the end because we might be at the end of a long day, but I was going to go through the Minister for Health and Social Service's comments paper as part of this. I am trying to find the line now; sorry, I do apologise. The second paragraph of the Minister's comments papers said: "There is little evidence to suggest that we need to apply much needed resources and detailed work and engagement that would be required to assess the risk to Islander's posed by uncredited counsellors." The accreditation is a high level of requirement from these governing bodies; it is not the base intro. The accreditation does take a lot more work, it does require people to commit to longer hours of supervision, C.P.D. (continuing professional development), and I absolutely agree that people should be aspiring to accreditation rather than just coming in at the base level. But the part about resources and detailed work, well, like I said, it is part of the Minister's legislative programme already to deal in the area of psychotherapists, so this is actually tying into that level. Work is already happening there; I am not committing more time and more resources to it because that work was already being done, otherwise this debate would still be targeted at the Minister for the Environment rather than the Minister for Health and Social Services. I am sorry; I am trying to find the line. I do apologise. I may have overburdened myself in my timeframe between the last debate and this one. There was a line within the comments paper that, like the U.K., Jersey accepts a level of risk without regulating counsellors. My question to Members on that front is: are you happy with the level of risk? It is under the evidence against local regulation, paragraph 5, I have to say it like that because the numbering changes up and down the comments paper. It said: "Like the U.K., the position is Jersey accepts a level risk to people seeking counselling services." I am not happy with this level of risk. We have more people going through more emotional and mental health crises on the Island as life gets harder for many people. We are going through a cost-of-living crisis, people are stressed with work, there is anxiety, people are becoming more aware of the effects of their mental health on their physical state. I am no longer in

a position where I feel comfortable that I can accept that level of risk, and I think we need to find ways to mitigate that risk. This is why I am bringing this proposition for Members to support me on this. It also mentions there is currently no data available about complaints made. That is clear because there is nowhere to complain to. You cannot complain to the Jersey Care Commission because they do not handle this subject, it is not theirs. If you have somebody who goes through a mental health crisis, at what point is anybody helping that individual going to stop and say: "Well, which counsellor did you see? Did you check that they were accredited first?" How do you gather this evidence? I know some Members have spoken about there is probably a need to at least look at the regulation of people who inject cosmetic procedures into people's faces and other parts of the body, because again this is an area that is not regulated over here. There could be quite dramatic health impacts to that. But if an incident like that occurred they would end up in hospital, there would be something that would be more recorded and more physically able to say so, we would be able to monitor that in a different way. Again, it is on my declaration, my wife is also an acupuncturist and so she sticks needles into people for a living; in fact she tells people she enjoys stabbing me in the back on a regular basis. There is a risk with people who are not properly qualified or as qualified as some when they come to needling, especially over area of the lungs. There was a case that comes to mind of an Olympic athlete in the U.K. who suffered a pneumothorax because somebody punctured a lung. It was not an acupuncturist; it was a physio who had done a supplementary course and training and then saying they were an acupuncturist when actually they were doing something called dry needling. But when we talk about complexity of new regulation,

I think that one would be very complex to start because nothing exists of it at all at the moment. This work is going on around psychotherapists and, as I said earlier, the governing bodies all cover psychotherapists and counsellors because their work is so similar. I am quite pleased that the Minister in his comments paper as well talks about doing a campaign to highlight the importance of making sure that they speak to somebody who is qualified and somebody who is accredited and willing to spend up to £5,000 to do so. But, again, as I just highlighted with needling and injections, there are so many other unregulated processes - therapists, cosmetics - that happen on this Island; just because I have raised this about one aspect, why this would only be covering psychotherapists. There is so much more that we should be having a continuous awareness campaign about the risks of using people who are not regulated, people who are not members of governing bodies, people who expose what we do not control. This is about health. This is about people's health and well-being. This is about putting levels of trust into individuals to support our Islanders' health and well-being. Who has to pick up the pieces when these people fail? If they have gone in private practice, they will spend money, then who else comes back in to have to pick up the pieces once these people have been failed and let down? It is the other taxpayers. It is all of our money again because we are choosing not to make the people who wish to ... let us face it, people in private counselling, they are set up as businesses, they do make profit because unfortunately this Island is expensive to live and not everybody can afford to give their time away for free, especially when they have trained for ... like I said, level 4 counselling takes 4 years' minimum to qualify. It is all a worry. There are other aspects of life that we are learning more and more about. Now there is the neurodivergent; there are lots of people now discovering or getting diagnosed with some form of neurodivergence. For a lot of people this is in their adult life. This is the people who as adults have lived their life experiencing something and then to be found out that they have a condition which has impacted how they view life compared to the majority of others. As the Minister has made clear, that he is not going to start an A.D.H.D. (attention deficit hyperactivity disorder) hub, well, that does not mean that there is not necessarily going to be an affordable place for people who are newly diagnosed with A.D.H.D., trying to figure their lives out, of having a place to go. Yes, the Minister may not have the funds to do that and he has the reason to prioritise where he spends his funds and he is not putting that as a priority. I can respect that. However, with people being unregulated who will be offering support to these people in the private sector, where they are going to have to go, how do we know that these people are competent to deal with people who are facing these issues?

[12:00]

There is training available to make sure that people can become competent in knowing how to deal with people with A.D.H.D. and adults with autism. There are ways to deal, ways to manage, ways to speak, ways to help these people, and I do worry that people are not qualified in which to do so. My other main fear as well comes from people who are unqualified when dealing with their relationship therapy. My wife is a specialist in relationship therapy, I think I have mentioned that because I have never won an argument since, but she recounted a tale to me about a situation where domestic violence was present. I said: "How do you deal with that?" She went through the processes that she had learned when she was in her training that when domestic violence is present you cannot provide therapy in that situation because there is a risk that anything that gets said and brought up in trying to manage the relationship in that room is not going to spill over when you get home, and then that violence becomes worse. So the moment you are aware of domestic violence in a relationship there are processes that you have to go through to make sure that everybody within that situation is safe. So somebody advertising themselves with just a basic level 4 qualification saying that they can offer relationship therapy; I worry because there could be an escalation of violence when it gets home if that is not accounted for. The psychotherapists who came to see me told me that when they got their family therapy Masters degree - because that is what it is to become a family therapist, it is a Masters degree - that there is complexity, because you are not just dealing with 2 people then, you are dealing with families so you are at least up to 3 in general. How can someone with a base level qualification who is advertising this where there is no level of account and recourse, so I can go to somebody: "Hang on a second, that person is advertising themselves at something that they are not qualified to do." Either tell them to stop doing that, tell them to remove these adverts from their website and stop offering these services, or you are going to remove their membership and they will not be able to practice anymore. There has to be a line of accountability. I had heard - and I am not sure whether this is true - that maybe I had not been descriptive enough about what a therapeutic counsellor is. I will make it very clear now. A therapeutic counsellor is somebody who is helping somebody with mental health issues. This is not somebody who is giving them career advice, this is not somebody who is giving medication advice, it is not someone - I have seen the latest one - who is a travel counsellor, this is not somebody who is going to help you find your holiday. This is somebody who is there to help you with your mental health. I will go back to my original wording in my proposition. Requiring the registration with a governing body because that is where accountability comes in. Subsequently, the Jersey Care Commission, because that would be the Jersey body that will collect all the information from the governing bodies so people can find that information easily. There is a question about the costs that this will have to Government. The work is going on in this area anyway; it may add more time to it so, yes, that is a cost. It is not an exponential cost but it is a cost. The Minister's comments paper suggests about complexity. When you have a single plan and you are going to follow it there is complexity to doing that work to begin with, and I admit that adding something new to it, it does add an extra layer of complexity, but it does not make it complicated. There are systems, there are people, there is legislation that already looks and works in similar vein; I do not see why this cannot be easily and swiftly replicated to achieve this, especially as it is already part of the Minister's legislative programme. I will take it back to the human part of this for me: it is the part of the risk. There are people out there who will seek services who will try to help manage their mental health and they will do it all in good faith, and they will come across somebody who does not treat them the right way, does not act within the ethics that a good governing body would have them follow. There is no recourse that person can take. But you are dealing with a vulnerable person; that person probably will not even know or even think to look at it. They will blame themselves because that is what a lot of people during a mental health crisis do, they blame themselves: "It was not the therapist's fault, it must be my fault" and things like that. There is no accountability and there is no quality control on what people are offering. This is as light touch as it could be while still maintaining a level of accountability. The lightest touch would be just making sure counsellors are registered with the Care Commission; that is what psychotherapists, clinical psychologists and chiropractors are allowed to do. But there is no

accountability. The fact they are dealing with vulnerable people, we should be insisting that anybody working with vulnerable people should be having a D.B.S. check but of course as they are not registered and not required there is no legal requirement for them to do so. I could probably talk in different ways around this for hours. It is a very, very complicated subject. I know there are a lot of people who are going to be against regulation for the sake of more regulation. There is one more point I would make. I have spoken to the Care Commission and they have given me permission to circulate an email afterwards about the costs that they think they would incur for taking on this. The answer is none. There will be a fee that may be asked to be paid for by the therapeutic counsellors as they register. For me that is a deterrent for anybody who wants to do malpractice, if they have no bad intentions, well, they have to pay for it, maybe they will not bother, maybe they will move on to something else. But the Care Commission have confirmed that because they have updated their computer systems recently that they would not be expecting any extra funding to come from Government to pay for any of this regulation from their side. I will leave this there and I will listen to what other people have to say, but I will make the final point. Sometimes we make red tape where red tape is unnecessary, but when it comes to people's health and well-being I think we need red tape, we need regulation, we need people to know that the people that they go to see and ask for help are people that can be trusted. With that I make the proposition.

The Bailiff:

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

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

As the principal responder I think it might help to inform the debate and hopefully hasten the pace of it if I make my comments early. I am grateful to Deputy Coles for bringing this to the Assembly for consideration, and I would certainly like to thank him for his constructive engagement over the past couple of weeks. The proposition aims to reduce a possible risk posed by unaccredited counsellors practising in Jersey without the required qualifications and experience. Certainly on the face of it that might seem like a very good idea. However, introducing legislation to regulate counsellors would not be, in my view, a proportionate or effective way to do this, for reasons that I shall endeavour to explain. Firstly, we do not have any evidence to suggest that there is sufficient risk to Islanders to warrant regulation. We have sought advice from the National Counselling and Psychotherapy Society, the N.C.P.S., and they say that reports of counsellors practising without qualifications is relatively unheard of. That is precisely why the U.K. does not regulate. If that is the case, what is the evidence to suggest that a small jurisdiction like Jersey should implement additional layers of bureaucracy? Secondly, it would burden the counselling profession with red tape. As Deputy Coles I think would concede, regulation would certainly incur costs for counsellors and, I am afraid to say, whatever the Care Commission have said, there must be some additional cost there unless all of that cost is going to fall to the counsellors, in which case I would not think they would be desperately impressed. As we all know, mental health support is in high demand and a lot of this work is carried out on a part-time or voluntary basis. If we overburden the profession we risk driving people away from the profession and losing vital counselling provision on the Island. Another consideration is online counselling. More and more people are accessing counselling services online and they can be based absolutely anywhere. So how would online counsellors be captured by this regulation? I think the answer to that is we all know they could not. We have to question how effective this regulatory framework could ever be. We can protect the title "therapeutic counsellor" in law but unqualified counsellors could simply use the word "coach" or "hypnotherapist" or any similar title to evade being registered and continue to practice, unaffected by the law. In addition we have to take account of the fact that there is no statutory regulator for counsellors in the U.K. But 11 accrediting bodies are recognised by the U.K. professional standards authorities and we would have to make arrangements with some of those to register our counsellors voluntarily. The second biggest of these bodies is the N.C.P.S. and they just do not see how this could work. There will be nothing in the U.K. law to enforce compliance so any regulation we

implement would effectively be meaningless unless of course the professional standards by which counsellors are to be regulated and the enforcement measures required to police those professional standards are set up at the Jersey Care Commission. This would be extremely novel as the J.C.C. does not operate in this way in any other area that it currently regulates, given that the J.C.C. regulates services and not professionals. This would place an administrative burden and extra cost on our counsellors and the Care Commission, and that is a burden that will not exist anywhere else in the British Isles. As already explained, there would be numerous ways to circumvent that legislation. Instead, and as you may have read in the comments paper, I propose we adopt a cheaper, simpler and more proportionate method and simply communicate with the public to raise awareness of the possible risk of unqualified counsellors. A campaign would be arranged to encourage local counsellors to maintain membership with U.K. accrediting bodies, then encourage the public to check a therapeutic counsellor's credentials on the accrediting body's register before engaging their services. While I am grateful to Deputy Coles for bringing this proposition for consideration, I do not believe we can afford to continue regulating everything that moves, burdening service providers and increasing the size and cost of the state. Accordingly, and with due respect to Deputy Coles - and I certainly hope his wife will forgive me - I ask the Assembly to reject the proposition and support my undertaking to deliver an effective public awareness campaign.

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

I have a lot of sympathy for this proposition and I recognise its positive intent. In that positive intent is a meritorious desire that one should prevent harm being done to Islanders. That links in to the quality of services that are given to Islanders in certain areas. I have sometimes mentioned in the States Assembly a bit of a concern about developing policies in silos, and I think there is a general theme here. Often Islanders who need help have to navigate what can be a bewildering number of options. There are lots of nuances here; we are not just talking about therapeutic counselling, we are talking about therapies practising in all manner of different areas. It could be cognitive behavioural therapy, it could be emotional freedom technique; there are so many ways in which you have people in the Island saying: "I can help you in a certain way by offering you this type of service." I do very much accept the principle that no Deputy should be supporting a cowboy culture, despite the name of our office. It is in our community's interest that people delivering services are adequately skilled, and indeed that does fit in with an overall Government ambition that we improve skills generally in this community. We need to, I believe, develop a consistent approach because we are already having work on one area - which was estate agents - and we have to start thinking: "Why are we thinking we should have a certain level of regulation here as opposed to another area?" A crude example, if I find somebody who baked me a cake and the cake goes wrong, okay, I have got a cake I cannot eat, and that is probably good for my health. But on the other hand, when it comes to certain services the potential financial loss, the potential damage to health could be enormous.

[12:15]

The Minister for Health and Social Services has of course raised certain issues including the fact that we do have - it comes up again - a limited time in which to achieve things as a States Assembly when it comes to legislative amendments. I do recognise the desire not to have more red tape but I do also recognise a need ... and I believe that perhaps needs to be addressed at our business licensing regime. At the moment you can get a licence for a business, there is no charge for it. Should that change depending on what you are providing? I believe that there is more consideration to be done, I do not think it is just in the Minister for Health and Social Services' department; I think in lots of other areas too. If Deputy Coles and I do happen to be in the next States Assembly together I very much would welcome the opportunity to work more in this area with him, and indeed other States Members who feel that there is some need to really start developing this area generally.

3.1.3 Deputy H.M. Miles of St. Brelade:

I have listened to what has been said with great interest and I would just like to apply some of my comments really. We are all told that mental health is a cornerstone of human health and happiness,

vital for individuals to have access to professional support as they navigate the complexities of life, heal from trauma, and overcome mental health challenges. Counsellors play an essential role in this process, offering empathy, guidance and expertise to help clients reach a healthier mental state. I believe that the current lack of regulation in Jersey might pose a risk to both the profession and those seeking support. I think that the regulation of counsellors is necessary to ensure the safety of clients. When people seek counselling they often do so at their most vulnerable moments, dealing with grief, anxiety, depression and other mental health issues. They place immense trust in the counsellor's expertise, believing that they are qualified to provide effective and ethical care. Without regulation Islanders have no guarantee that those counsellors possess the necessary training and qualifications to serve clients competently. Any unregulated profession opens the door for unethical or untrained individuals to set themselves up as counsellors. There is no doubt that the vast majority of counsellors are dedicated professionals, but there is also no doubt that there may well be risk and that the lack of oversight might result in harm to clients. The Government have clearly stated that they are prepared to accept this risk. Mishandling of sensitive issues, a lack of competence or understanding of boundaries, or breaches of confidentiality can have devastating consequences for clients and their families. Regulation would establish standardised qualifications and practices, minimising the risk of such incidents. We cannot do anything about the rise of online and remote counselling services but support for this proposition would ensure that clients who choose an on-Island service can trust the qualifications and practices of counsellors and have a robust complaints mechanism. I believe that regulation is equally important for maintaining the integrity of the counselling profession itself. As with any profession, be it medicine, social work, law, education or policing; standards, codes of conduct, accountability mechanisms are essential for assuring practitioners uphold the values and ethics of their chosen occupation. Indeed, we have rather a comprehensive set of Standing Orders. A scan of the Jersey Care Commission website shows the list of professions in Jersey that require registration. It is a very long list, including the obvious like nurses, paramedics and midwives, and perhaps the less obvious like dieticians, art therapists and podiatrists. Whereas psychotherapy is included, counsellors are not. Perhaps most surprisingly, if I wanted to get a tattoo or a body piercing I could be very assured that the therapist is registered with the Care Commission. If I suffer a terrible loss or seek support from a counsellor, the person sitting opposite me has no requirement whatsoever to put themselves forward to the scrutiny of the Care Commission, an organisation in Jersey that is trusted to be transparent, fair and impartial. In Jersey counsellors can operate with no accountability and I believe that might risk harm to vulnerable clients. The Jersey Care Commission would also provide a mechanism for addressing malpractice and misconduct. I believe Deputy Coles is correct when he said we do not have the evidence because there is nowhere to complain to. When counsellors breach ethical standards or engage in harmful practices regulatory bodies can intervene to investigate and hold individuals accountable. This oversight protects clients but also upholds the integrity of the profession. I commend Deputy Coles for bringing this proposition. I had mistakenly assumed that counsellors were in fact already bound to registration with a professional body and the Care Commission. Regulation and registration is essential for upholding public trust in mental health services as a whole. Trust is the foundation of any therapeutic relationship. Without it I am not sure how clients can fully engage with the counselling process or benefit from its potential. Regulation fosters trust, providing assurances that counsellors are competent, ethical and accountable. This Government has been very vocal in their dislike for regulation, arguing that regulation imposes unnecessary bureaucracy, stifles innovation and creates barriers to business. I would argue that some areas must be regulated. Counselling practice is not the same as building a conservatory or changing an internal door. The goal of regulation is not to create hurdles but to ensure quality and safety, and by establishing clear pathways for education, training and qualification, regulation supports counsellors in becoming competent professionals while protecting clients. While the professional organisations and peer accountability mechanisms that are currently available are valuable, they are not a substitute for formal regulation. Self-regulation lacks the authority to enforce mandatory standards of investigate misconduct effectively. Formal regulatory framework complements and strengthens existing self-regulatory practices, creating a robust system of oversight. I have read the

comments from the Council of Ministers very carefully and I have to say that I do not agree with them. I do not agree that a public awareness campaign is a suitable alternative to a regulatory framework. The regulation of counsellors is not merely a matter of policy, it is a matter of principle. It is a commitment to ensuring the safety and well-being of Islanders, preserving the integrity of the profession, and fostering trust in mental health services. Regulation is not about imposing unnecessary restrictions, but about creating a framework that supports and protects everyone. Mental health is far too important to leave to chance and I will be supporting this proposition.

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

I am rising really to be somewhat aghast at the previous speaker. I should declare that I am one of those people that has been adult A.D.H.D. confirmed. I am one of those people. I have said it openly; the more people say it the more people can understand the challenges that people have. But what I would say is, as challenging as things are, I think the Minister is absolutely correct to say there are priorities, and priorities are that notwithstanding the very difficult challenges that people have ... and the Minister has said regulation is easily circumnavigable. It is, it is not practised elsewhere, and frankly if this Assembly continues on its journey towards regulating everything we are going to create more problems for our Island community in the future in my view. So I urge Members, while absolutely sympathising with the many people who have mental health challenges ... I do not think A.D.H.D. is a mental health challenge, it is a much misunderstood thing which means education is needed. But I look to the Minister for Health and Social Services and the Minister for the Environment and want them to prioritise the important work to making Jersey a more healthy place, a better place - and, in the Minister for Planning's area, to make all the work that these officials have got to do in making our planning system work - in priority over regulating something that is not regulated anywhere else in the world. While sympathising with the Deputy's proposals I think that this Assembly should not be, if I may say so, bringing forward another proposal. We have got other issues like the regulation of cannabis and medicinal cannabis that the Minister must deal with, which is an extremely serious matter, and I would say that is far more important than the no doubt risk issue that the Deputy brings forward. I know he does so with passion but we have to prioritise our resources and this Member will be prioritising the resources for the Minister for Health and Social Services and the Minister for Planning so that we can make Jersey a better place on really serious issues, which I do not think he has explained why this is such a serious issue in this particular area of regulation.

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

I want to commend Deputy Coles for bringing the proposition forward. But sadly at this moment in time I feel as though I cannot support the proposition as it stands. Clearly the regulation of therapeutic counsellors is an issue around public safety and professional standards, but it is also an issue of proportionality. I would propose that we already have therapeutic counsellors formally regulated through their regulated profession, i.e. a nurse, doctor, a psychologist or whatever. I think what he has raised is an important issue about protected title, and of course protected titles are given by established bodies like the Nursing and Midwifery Council, the General Medical Council, so that these titles cannot be abused. So I absolutely get his point about anybody being able to call on a counsellor, but the issue is how do we make sure that we do raise in the public's mind that there are protections around those professions who are already regulated who call themselves therapeutic practitioners and, therefore, I think the proposal to raise public awareness and a campaign on this should be welcomed. I do not think that we have heard any particular issues that have come to light that are causing public concern. I think we really do need to make sure that we understand the risk to public safety, the risk to public harm, and through the debate this morning we have not really heard what the level of harm is, the scale of the harm, how many people are experiencing this. I accept that there is an issue that people do not know where to go, but there are 2 places that people can go. For the private sector in terms of private counselling we have our consumer protection laws in place, and so you can access any legal avenues there if you feel that you have got a case for particular negligence or harm in any way. But we also do have the Care Commission, and for every regulated profession

on the Island who has therapeutic counselling responsibilities we already have those protections in place and I am sure the Care Commission would act accordingly. I think the key question for this proposition is: does the level of risk justify the scale of statutory regulation that Deputy Coles is proposing? I think that in contrast to some of the other professions where there is a scale of self-regulation, which is perfectly acceptable to maintain safety and good governance and accountability, we see that in, for example, the accountancy area, the architects' profession, and also we have the health and social care support workers who work with a voluntary code of practice rather than formal regulation. So it raises the question why are we treating therapeutic counsellors differently from any other self-regulating profession. I accept that there will need to be some rebalancing and ensuring quality standards and avoiding unnecessary red tape can be achieved, but while Deputy Coles's proposal comes from a place of genuine concern, I do feel that it is too broad, too bureaucratic, and too inconsistent with our current regulatory philosophy.

[12:30]

I think we should be making sure that we take an evidence-based approach to all of the decisions that we make - and that applies to regulation as well - without stifling the accessibility and the quality of access to counselling service. I would urge the Assembly to consider those points and perhaps to consider rejecting this on the basis of allowing us to make sure that regulation is not a barrier for some people accessing counselling and support, that it might otherwise do if this proposition was supported.

3.1.6 Deputy I. Gardiner of St. Helier North:

I am really pleased to follow Deputy Wilson because I was not aware about therapeutic counselling registrations that are already in place. When this proposition was lodged my initial response was similar to Deputy Miles saying how we do not have it in place because counsellors do need to understand deep psychology, the process that people are going through, and it can be damaging. A bad counsellor can damage and when we have mental in high demand it really needs to be ensured to have the counsellor ready and fully qualified to do the work. As somebody who was initially trained as a social worker - and through my professional career I have gone on lots of different courses, including counselling and coaching and facilitating - I think why I am ... after listening to everyone, because I really came open to this debate because for me the foundation and proper training and proper supervising in this area is really important. But listening to this I feel that the first stop which is important to do is to educate our public. Even when I was listening to Deputy Coles's presentation, which was very, very deep, and somebody who does know about this area, even I got sometimes lost with all these letters and qualifications. What is important really is that we will have one or 2 pages; that if I am considering to do counselling I can go there and the public will be aware where to go, and to see what legitimate training and where the counsellor needs to be registered with some professional bodies, and what is just maybe 10 hours on a website ... and I know there are unfortunately people who can claim that they are counsellors and some people who can claim that they are coaches. There is lots of misunderstanding where the boundary lies between counsellor, therapist, coach, and I can find maybe other words, family therapies or family counsellor, grief counsellor, crisis counsellor, crisis intervention specialist, emotional support facilitator coach; all of them are important but I think it has started to be really, really vast, and I think it is extremely important that people know what to look for. Personally, when I look into life coaching sometimes, maybe a coach has a basic qualification as a coach certificate, but if you are looking if the person has done undergraduate in psychology and done something else in masters and a PhD in communications and done some counselling qualifications, maybe not to Level 5 because it is work, I would consider. But people need to be educated how they are looking through the C.V.s (curriculum vitae) of the people of the potential counsellors or coaches or therapists or specialist, and then will make a decision. I think what is really important is to make very clear evidence-based decisions, but people need to know what they are looking for at least as a first step, and if it will not work we can continue. I think it is really important to take the first step to put this guidance to educate people what to look

for, and if we find evidence, and it might come that in another year or 2 or 3 we will feel they must be registered and we specify they need to be registered, we always can take the next step. But I think the first step is let's educate our residents.

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

As Deputy Coles said at the outset, he and I met early on in this and had a discussion around the regulation of counselling. As Members know, the Care Commission is under my remit and we would have to be taking on responsibility for that. Deputy Coles will know - and as many others have indicated - the importance of counselling to people who seek it, and the importance of making sure that people get the right sort of treatment is really, really important. The Deputy knows because I told him that. As Members will know, the Care Commission are currently putting in place the final little bits and pieces so that we can get on and regulate the hospital and the ambulance service; before the next election hopefully that is going to start. He also knows, because I have told him, that the Minister for Health and Social Services and I have indicated that we would very much like to move then to the regulation of cannabis prescribers in Jersey, because we are aware and we do have some data to show that that situation needs to be regularised. I cannot agree more with Deputy Gardiner, who has just said many of things I would wish to say. For me the one standout to read in the paperwork before debate is the Minister for Health and Social Services' suggestion - which I think really merits consideration - which is to avoid the red tape, avoid the time, the resource, the cash and the complications, and of course the difficulties with once you regulate counsellors, if they move to call themselves something else, how those that you would wish really to regulate fall out of the net. The proposal I think from the Minister for Health and Social Services to embark on a publicity campaign to alert people to say: "If you are going to seek counselling look for these qualifications, look for people who are registered to this body, look for people who can genuinely do the job for you", stands us in much better stead in the immediate short term than the decision to go for regulation. Because that will take time, it will take money and resource. Money and resource are not important in this issue but it will take time, and in that intervening time we could be doing better. The good that the Minister for Health and Social Services proposes in that campaign could be alerting people to make sure that they go to the right people to seek the right care because mental health issues really need to be cared for in the proper way, as we all agree. All of us agree with that. I will finish just by saying Deputy Gardiner said in the medium term it may well be that this comes back, and it may well be the case, but I would say to Members read the Minister for Health and Social Services' paper, read the suggestion that he has come up with about the publicity, and vote accordingly.

The Bailiff:

Thank you very much, Deputy. There are 2 other Members who have indicated a desire to speak. There may well be others. The time has been reached when I can reasonably ask if Members wish to adjourn until 2.15 p.m. or to continue. The mood seems to be continue. If any wishes to speak against that?

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

Yes, I would like to speak against that, Sir. We have the afternoon scheduled to be in this Assembly. I know this will not be in the forefront of every Member's mind but continuing through lunchtime causes me great inconvenience with government business that I was meant to be undertaking during our lunch break.

The Bailiff:

Thank you. In which case, if we are to continue that should be the basis of a proposition. Does anyone wish to propose we continue?

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

Yes, please, Sir.

The Bailiff:

Very well. Is that seconded? **[Seconded]** Does any Member wish to speak?

Deputy R.S. Kovacs of St. Saviour:

At the same time people probably made plans for lunch as government business, as Deputy Sam Mézec said. But equally my mother-in-law is waiting for me and I have plans.

Deputy M. Tadier of St. Brelade:

I am likely to speak on this; it is something I am quite concerned about and I was hoping to hear from other Members when they speak. I do not think sitting through lunch is necessarily going to get us finished at any given time, and given that other Members seem to have made arrangements I do not think we should rush through this.

Deputy T.A. Coles:

I just thought I would rise as the proposer of the now suspended debate technically, I would like to have the lunch break now so I could hear everybody's comments without them feeling rushed and that they are interfering with other people's lunchbreaks and/or business.

The Bailiff:

Does any other Member wish to speak. I suspect the right thing to do, given there are people of ... Deputy Gorst?

Deputy I.J. Gorst:

It was my proposition, Sir, was it not?

The Bailiff:

Yes, sorry. Would you like to respond?

Deputy I.J. Gorst:

Well, as we do have time before the lunchbreak I thought I might. I do understand that Members have got arrangements, as I have government business at lunchtime and throughout all of the afternoon, because Members are busy and they have to balance and prioritise their time appropriately. I, of course, look forward to Deputy Tadier speaking for his allotted 15 minutes, and the other 2 Members as well. I still think it makes more sense and better use of Members time if we continue this debate because experience would tell us if we come back after lunch we will fill the afternoon.

The Bailiff:

Very well, does any other Member wish to ... sorry, you have already responded. I am going to take a deep breath and get the procedure correct in my head. Do you call for the appel because there are Members ...

Deputy I.J. Gorst:

Yes, I think I ought to, thank you.

The Bailiff:

Very well. Pour will be we continue through the lunch hour; contre will be we move to adjourn now. I invite Members to return to the seats and a vote pour is that we continue to debate this matter, contre is that we adjourn over the lunch. 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 proposition is defeated:

POUR: 19		CONTRE: 20		ABSTAIN: 0
Connétable of St. John		Connétable of St. Brelade		

Connétable of St. Ouen		Connétable of Trinity		
Connétable of St. Mary		Connétable of St. Martin		
Deputy C.F. Labey		Connétable of Grouville		
Deputy S.G. Luce		Connétable of St. Saviour		
Deputy M.R. Le Hegarat		Deputy G.P. Southern		
Deputy I.J. Gorst		Deputy M. Tadier		
Deputy K.L. Moore		Deputy L.M.C. Doublet		
Deputy P.F.C. Ozouf		Deputy K.F. Morel		
Deputy D.J. Warr		Deputy S.M. Ahier		
Deputy H.M. Miles		Deputy R.J. Ward		
Deputy R.E. Binet		Deputy C.S. Alves		
Deputy M.E. Millar		Deputy S.Y. Mézec		
Deputy A. Howell		Deputy T.A. Coles		
Deputy T.J.A. Binet		Deputy B.B. de S.V.M. Porée		
Deputy M.R. Ferey		Deputy M.R. Scott		
Deputy A.F. Curtis		Deputy C.D. Curtis		
Deputy K.M. Wilson		Deputy H.L. Jeune		
Deputy L.K.F. Stephenson		Deputy R.S. Kovacs		
		Deputy B. Ward		

[Members: Oh!] and accordingly we stand adjourned until 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

There is a definite sense that everyone has run from that side of the Chamber, **[Laughter]** other side of the Chamber perhaps. Right. Very well. We resume debate on P.21 and the next to speak is Deputy Millar.

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

I am not going to say a great deal because I think a lot of what I wanted to say has already been said. I am very sympathetic to the underlying motivation of Deputy Coles's proposition because across the whole of the well-being sector, both mental and physical health, we know that there are very many people who are vulnerable. Equally, we know, I am sure you do not need to dig very deep into the internet to know that there are people out there peddling what is little more than snake oil and that people are sucked into treatments that will not do them any good whatsoever. But I do think that the Minister's suggestion that information and guidance be given is better than the issues we have talked about with regulation. I have had a lifetime interest in well-being and health, and I have qualifications in 3 different complementary therapies including counselling, only at level 2 so I would not deem of holding myself out as a counsellor of any description, but I am qualified in other therapies

and thought for a short time that I might have practised in one. I only thought about it for a short time because I realised that that practice was barely going to pay for my holidays, let alone my mortgage so I came back to law. What became clear to me through that experience is that if you are going to practice in any professional field, you do have a duty of care. The people training you will tell you that you have a duty of care and a responsibility to your clients or patients and that not only should you have qualifications, but you should also be holding insurance. There are people out there who provide - I do not think we have heard insurance talked about yet - insurance to the wide range of complementary therapists across all disciplines and it would seem to me that there are 2 key questions that anyone seeking counselling, or any other form of complementary health therapy, should be asking of someone they are consulting. Those 2 questions are: what are your qualifications? Do you have a recognised qualification? Secondly, are you insured? If that person is not carrying insurance, then I would suggest you do not go anywhere near them. I was also given by my own G.P. (general practitioner) ... some years ago I said to him - somewhat embarrassed - that I had seen a complementary therapist, and he said: "Well, that is absolutely fine. There are lots of therapies out there that may help you. Some will be more valuable than others", but his advice and he said: "This is what I tell all my patients, is set a financial limit or a number of sessions and when the money has run out or your allotted number of sessions have run out, if that person has not cured you, they are unlikely to cure you. Go and do something else." Because that is what G.P.s do. If they have not cured somebody, if they have not found an answer to a problem after 2 or 3 visits, they will refer them on to another specialist. That is my contribution to the debate. I do think education and guidance is probably better at this stage to cover the whole variety of complementary therapists that are out there both ... I know we are particularly talking about therapeutic counselling, which is as potentially damaging to people as to some of the peddlers of physical therapies, some of which can be harmful in the wrong hands.

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

I have not made up my mind how I am going to vote on this one and I like debates like that. I think that the Deputy should be applauded for bringing something to the Assembly that we can really have a good think about and have a proper debate on. It is a really interesting proposition, and I thank him for bringing it. Like the previous speaker, my interest in this is partly personal. I have got some training in counselling skills myself; I studied psychology at university. I think that the services in this area are extremely important to the health of Islanders and, of course, among the Assembly my role is chairing the Health Scrutiny Panel, so I have a particular interest in it from that angle as well. I do think the question comes down to whether harm is being done, and do we need to take this measure that the Deputy is proposing to fix it? Upon considering whether harm is being done, I concluded that there probably is some harm being done and other Members have spoken about this. An area that I wanted to focus in on, which has not been referenced, is conversion therapy. My other interest in this is, of course, as a member of the L.G.B.T.Q.+ (lesbian, gay, bisexual, transgender, queer or questioning, and more) community and so-called conversion therapy is the attempt to suppress, divert or change somebody's sexual orientation or gender identity. These so-called therapies are often targeted at lesbian, gay, bisexual, transgender and queer people under the false pretence that these identities are disordered and need to be cured somehow and these therapies, first of all, they do not work. Secondly, they are coercive and abusive, and they cause enduring psychological and physical harm to L.G.B.T.Q.+ people and yet they remain legal almost everywhere in the world. Now, the next question we might ask is: is this happening in Jersey? I have to say I am not certain on the answer to that question. The only inkling that I do have about this is based on some research that was presented to States Members. It was either in the previous term or the term before that by a student who had carried out some research locally, whereby she approached a number of counsellors and therapists and requested access to conversion therapy. The finding of this research was that several of these counsellors and therapists said that that was a service they could provide. I am uncertain whether it is happening in Jersey. I would say, based off research in other jurisdictions, it probably has happened and the risk that it could happen and that there is no mechanism in our

legislation or policies, there would be no mechanism by which to stop it or prevent it. This, for me, is a reason to regulate. Incidentally, I hope the Dean does not mind me mentioning him, I was really heartened to have a conversation with the Dean about this and I had the feeling of him standing shoulder to shoulder with the L.G.B.T.Q.+ community. He said that it is something that faith leaders in the Island absolutely condemn, and I am grateful for that. I think if anything, what I want to do with my speech today around whether we should regulate counsellors or not is to say, regulation or not, this is something that should not be provided by counsellors and is not welcome in our Island. Indeed, it is something globally ... I do think we should probably look at some legislation to ban it. I have recently been accepted as a member of the Global Equality Caucus, an organisation that I encourage Members to join as the only body of international network of parliamentarians that is dedicated to tackling discrimination against L.G.B.T.Q.+ people. This is one of their main campaigns. It is of huge concern. The harm that is potentially being caused either by this type of therapy - so-called therapy - or by incompetence or well-meaning substandard therapies, I think there is probably harm being caused, but is this the right way to do resolve it? I think it was Deputy Luce mentioned that even if we did regulate counsellors then other titles could be used. Again, I am aware of this in other jurisdictions. There are people using titles such as peer support worker, which is a legitimate function, or coaching so I am not certain that this is going to achieve what we want it to achieve, and I think a lot of this is going to rest on the Deputy's summing up. I would really like him to directly address the points that I have made and is he certain that regulation is the only way to prevent harm being caused in this way? I think, again, personal freedom is an issue, and this is kind of arguing the other way. This is why I mentioned I have not decided which way I am voting yet because I am a strong believer in individual autonomy and personal freedom. While I firmly believe that health services should be regulated, those that are interacting physically with somebody's body, I think that should be regulated and others have mentioned that, but where counselling is being provided - and I think other Members have mentioned this, possibly Deputy Wilson - this is more of a social contract. I think we are straying into quite dangerous territory if we start regulating conversations between 2 individuals so I wonder if the Deputy could remark on what he thinks about that in his summing up. I noted in the Government comment that the proposed solution was to educate people and to run a campaign informing people about this. Absolutely necessary, and I think that needs to be done whether we are regulating or not because there are so many different types of therapy, and I do not think that people understand all of the different types, C.B.T. (cognitive behavioural therapy), interpersonal therapy, mindfulness-based cognitive therapy, psychodynamic therapy, which is the Freudian style which I think most people think counselling is. It is not just that kind of therapy. There are so many different types available and Deputy Gardiner's call for ... I think she mentioned there should be a webpage where people can just look up how to ascertain what kind of counselling is available; I think that is critical and I am a bit shocked that that is not available already. I really encourage anybody whether they are already accessing services to ask their provider: "What kind of therapy are you providing to me at the moment?" if that has not been made clear and to do a bit of research about it and establish whether it is, indeed, the right thing for you. I am going to finish there but I want to just reiterate my message that certain types of counselling therapies are harmful, including so-called conversion therapy. That is not something that should be offered in Jersey and if any members of the public are aware of this, please do get in touch with me and I will be listening with interest to the following speeches and to the Deputy's summing up.

3.1.10 Deputy B. Ward of St. Clement:

I did not think it would be that quick. I understand the reasoning behind this proposition, which I would support, but in the absence of any U.K. legislation covering these services, I would find it difficult to bring about some Jersey legislation. As the Deputy made reference to my input around the regulation of nurses, but that was because those professions are, in the first instance, covered by their professional bodies, for example the Nursing and Midwifery Council and the General Medical Council, et cetera, I could go on, which is absolutely enshrined in U.K. law. The Minister for Health and Social Services and team's approach is set out in the Minister's paper. However, if and when

the counselling registering bodies approach the U.K. Government to have their professional services set out in the U.K. law then Jersey, I feel, could consider revisiting this aspect but in the meantime to have a campaign, I feel, is the correct pathway to help and assist and educate people especially in times of their vulnerability.

3.1.11 Deputy M. Tadier:

Sorry, for the delay, Sir. I just wanted to take maybe a slightly different perspective. I do not have any expertise in this area so I look at it maybe from the perspective of what would I want in place if I, or a loved one, had to go and seek help from a therapeutic counsellor?

[14:30]

It could be because there has been a recent bereavement or there has been a difficult patch in one's life, and I must admit that when Deputy Coles first raised this issue with me, I was just surprised - and I have heard the same repeated since - "What do you mean that therapeutic counsellors do not currently have to register with a governing body and what do you mean that they do not have to already register with the Jersey Care Commission?" I think if you spoke to people on the street, they would expect that to already be the case. I think what Deputy Coles is doing here is highlighting what is clearly an omission in the whole package of healthcare and services that are available and saying this is something where there does need to be some kind of oversight. I do not think it washes to say: "We are going to offer instructions and advice", because I think Deputy Doublet hit the nail on the head, when you go to a therapist there is a relationship of trust there. There is also potentially an asymmetric relationship in terms of the power structures so while I listened with interest to Deputy Millar's speech, she speaks with an element of authority obviously on the subject and I was expecting her to come round to the point and say: "That is why I will be supporting this proposition", because one does not necessarily have the wherewithal or even it does not enter one's head to think about when you get a recommendation from somebody saying: "Here, go and speak to this person. I think they are really good." The first or second thing that you think is not: "Do they have insurance and are they registered?" I think you may not be in the place in your life where those kinds of considerations are on your mind, and I think that is why we regulate as an Assembly. We seem to be applying the mantra of: "There is too much red tape, and regulation is a bad thing", to something where I think we should be really cautious about it. I very much see Deputy Coles as almost the little boy who is pointing out that the emperor has no clothes. We have allowed ourselves to get into this narrative, if you like, almost where the Minister is saying: "Let us not do this because it is too difficult and there is another way to do it", where I think the central ground should be: "Of course, we need to regulate this. How do we regulate it?" Not if we regulate it. I see this very much as an in-principle proposition. Deputy Coles is suggesting 2 things that need to happen here which one is that if you are a therapist - and it could be any kind of counsellor, therapist - you first of all should be registered with a governing body. If a governing body does not exist for the type of therapy that you are offering to people, then that should be an alarm bell in itself because what are the chances that somebody over here is so cutting edge that they developed a new form of therapy that nobody else in the world is doing? I do not think that is going to happen. Secondly, that they should register with the Care Commission. It is a form of care that they are giving to people and therefore it does not seem unreasonable that they should at least register with that Commission. For those reasons I think we absolutely should be supporting this because we want to make sure that those who are going to therapists can have confidence that they are dealing with people who have gone through the basics and are registered with the relevant bodies. If I can say, I was interested by the comments of Deputy Doublet around conversion therapy but also, while I think of it, this is not about regulating conversations that people have with each other. That is clearly not what this is about. This is about people who offer services which are charged for and purport to have skills that can be of benefit to people's mental health or emotional health and it is about saying if you purport to have those skills and sell those skills to other people, and you could be doing it voluntarily of course, but if you are offering those services you should at least pass a small hurdle. The irony is not lost on me that we

have just had a debate previously about having a high bar for those who might want to be candidates for elections, so not even States Members, just to be candidates, but when it comes to something tangible here that is affecting people's mental health and remember, I go back to that point: what would I expect? What would Members expect? What would our family and friends expect if they were seeing a counsellor where you could theoretically get bad advice? You could have somebody who is a rogue or who just is not properly qualified who is a quack, shall we say, what recourse do they have? I would certainly want to make sure that they had that. On the conversion therapy point, I would suggest that it is a much more problematic point when we get into that field because there is something that underlies conversion therapy or whether it is the casting out of demons and the laying on of hands, et cetera. Those are all based on belief systems and if there is a dogma or doctrine underlying which says that homosexuality is a sin, that it is evil and it is not natural and therefore you need to be cured of that underlying problem, it is the actual doctrine which is the problem and the conversion therapy itself is a symptom of that problem. Of course, somebody who subscribes to that belief system who might find themselves in that situation seeking the therapy, I would suggest it is a much more complex problem. I am not sure it is going to be resolved one way or the other by this proposition but I would simply say, of course, that I agree with Deputy Doublet and I would urge her to support this proposition.

The Bailiff:

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

3.1.12 Deputy T.A. Coles:

First of all, can I just thank everybody who has participated in this debate. I feel that it has been a very respectful, very credible and very thought-provoking debate. I think we have all highlighted some of the issues surrounding the needs for mental health and providing safe and secure locations for people to receive that care from. I am just going to first address Deputy Doublet's points while they are fresh in my mind, fresh after lunch. She mentioned about this possibly being a regulating of a conversation between 2 people but, of course, counselling is not a conversation. It is what many would maybe consider a guided conversation where one person has the power in that room to try to have the conversation where the person then learns and grows about themselves. Also to address a word that Deputy Tadier used; he used the word about somebody giving advice. Counsellors should not be giving advice. That is one of the most clear and detailed things that people forget. If you go to see a counsellor and they offer you advice, they are not a counsellor. Counsellors are there to guide you through your thoughts, your actions to make you make the choices and to change your thought processes so you can live yourself in a more constructive way. Deputy Doublet also asked whether this was the only tool, and I am sure it is not the only tool that we could use to regulate these kinds of fields but it is the most clear and obvious one that I had in front of me and I could see because it is something we already have and we already do. I also want to just bring back up the timeline and approach of this because as Deputy Luce, as Minister for the Environment, has mentioned that he is proceeding at good pace with his work on regulating the hospital and ambulances and he wants to do cannabis dispensaries and prescribers after that, and while my initial discussion with him was absolutely agreed, I did not want to interrupt that work. It was never that intention to do so. It was only after conversations with an officer that works for both Deputy Luce and Deputy Binet was I advised by this officer that the work on the legislative programme was taking place and it was taking place in this field, so it was better once that book was open and it was being redrafted to do it at the same time rather than to come back at another point and do the work again. I do apologise to the Ministers if that maybe has not necessarily been as clear as it could be but that is why this has come through in this way because that was the advice that I received. I should extend another good thank you to Deputy Miles. She was very much more articulate than I was in my opening speech. I think she delivered the points very, very accurately and very, very credibly. Both Deputy Scott and Deputy Doublet mentioned about different forms of therapy and I think Deputy Doublet mentioned

psychodynamic, about which she is right, it was the work of Sigmund Freud and Carl Jung. They are the fathers of modern psychology. We can trace lots of work back to them, even the works of Carl Rogers who then came up with human-centred, which is mostly what most counsellors focus upon. My points around this are people need to have that element of trust, and Deputy Millar mentioned about insurance. There is a key point that the majority of governing bodies, when you sign up to them, give you insurance as part of your fee. If you have signed up and you are obliged to maintain that membership of your governing body, you will also be insured. That, I thought, was a very good point to bring back up. When we talk about red tape and cost, by having them sign up to a government body it will cover an extra cost as part of it. It is not adding an additional cost on top. I can confirm that as certain for the B.A.C.P. at least and possibly the other 2 major groups. Deputy Gardiner, I was interested to learn that you were a social worker.

The Bailiff:

Through the Chair, please.

Deputy T.A. Coles:

Sorry, Sir.

The Bailiff:

You did not know that Deputy Gardiner was a social worker.

Deputy T.A. Coles:

I was very impressed to find out that Deputy Gardiner was a social worker because that requires to be registered to a governing body as well as registered to the Jersey Care Commission. This is in Jersey?

The Bailiff:

Please, no conversations between Members.

Deputy T.A. Coles:

As far as I am aware, they have to register with both the governing body and through the Care Commission because that is the advice that I was provided by the Care Commission. I find it interesting that that level of work where, again, you are dealing with vulnerable people requires this process that I am suggesting here today but then we have another group of vulnerable people that apparently this is not easy for or too difficult to do. I am glad at the end of the result of this that the Minister will be carrying out this campaign and I hope he will come to me, and I can help participate in helping formulate questions or points that need to be raised to the public to make sure that we cover off a lot of things. If Members do not support this, I do hope that that still will happen, and I hope it is a broader thing, although I do still have concerns that when we carry out an advertising campaign or an awareness campaign that these are only a snapshot in that moment. What if somebody has an episode and they cannot recall this information, and they just reach out and seek and that level of trust is not being reinforced by regulation, and will we end up in a situation unfortunately where somebody does go to somebody who is not properly and adequately trained to deal with the situation they are going through. But again, I do urge Members to support me on this proposition because I do think it is the lightest touch form of regulation that we can place on somebody in a position of trust. I think this is the right thing to do fundamentally. I think we owe the people of Jersey the security of knowing that if we are going to let people trade in services which influence people's minds, that their element of trust should be maintained and supported by Government. Once again, thanks, Members, for having a very polite, very well-thought through debate and I will call for the appel.

The Bailiff:

Thank you very much. The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been defeated:

POUR: 18		CONTRE: 26		ABSTAIN: 0
Connétable of St. Martin		Connétable of St. Helier		
Connétable of Grouville		Connétable of St. Brelade		
Connétable of St. Mary		Connétable of Trinity		
Connétable of St. Saviour		Connétable of St. John		
Deputy G.P. Southern		Connétable of St. Clement		
Deputy M. Tadier		Connétable of St. Ouen		
Deputy L.M.C. Doublet		Deputy C.F. Labey		
Deputy R.J. Ward		Deputy S.G. Luce		
Deputy C.S. Alves		Deputy K.F. Morel		
Deputy S.Y. Mézec		Deputy M.R. Le Hegarat		
Deputy T.A. Coles		Deputy S.M. Ahier		
Deputy B.B. de S.V.M. Porée		Deputy I. Gardiner		
Deputy H.M. Miles		Deputy L.J. Farnham		
Deputy C.D. Curtis		Deputy K.L. Moore		
Deputy L.V. Feltham		Deputy P.F.C. Ozouf		
Deputy H.L. Jeune		Deputy D.J. Warr		
Deputy R.S. Kovacs		Deputy M.R. Scott		
Deputy L.K.F. Stephenson		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		

[14:45]

The Bailiff:

That concludes Public Business, and we now come to the arrangement of future business. I ask the chair of P.P.C. to propose that arrangement.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

There have been no changes to the arrangement of Public Business from what is published on the Consolidated Order Paper and there are currently 7 items with amendments listed which are Draft Employment and Discrimination (Jersey) Amendment Law, P.78/2024, with 2 amendments and then Draft Employment and Discrimination (Jersey) Amendment Law ... sorry, it is 5 amendments. There is also Promotion and Political Education; Evidence-Based Energy Strategy with amendments; and Draft Single-Use Plastics (Jersey) Amendment No. 2 Law, P.19/2025; Draft Jersey Gas Company Amendment Law, P.22/2025; Organ Donation Memorial, P.25/2025; and Increase in Assets and Savings Threshold for Affordable Housing Gateway, which is P.26/2025. Given the number of propositions listed for the next meeting, I believe the Assembly will sit for 2 days and so I propose the arrangement of business.

The Bailiff:

Do Members agree to accept the arrangements?

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

The chair of P.P.C., she noted there was a lot of business. I have an amendment standing in my name relating to the energy policy. I have noted that there are comments from the Government but there is nothing in relation to my amendment. I just wanted to signal to Members that if there is no comment, if the Government is not going to make it, then I put it as standalone proposition, but I would ask the Government kindly to make comments on it otherwise it is not going to be possible to have a good debate in time.

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

Just for information to the Assembly, I will not be present at the next Assembly because I am on C.P.A. business leading an election observation mission, subsequent, just to let Members know. Therefore, I would not be here to answer questions as Minister. I know there is obviously a very capable fallback but just so that people know.

The Bailiff:

Very well. On the arrangement of future business, does any Member have any difficulty with the ... Deputy Tadier.

Deputy M. Tadier of St. Brelade:

That is fine, Sir. I will leave it for now. I would like to raise something separately with P.P.C. but I can wait.

The Bailiff:

Thank you very much indeed. Are Members content to adopt the arrangement of future business? The Assembly stands adjourned until 9.30 a.m. on Tuesday, the 22nd.

ADJOURNMENT

[14:48]