

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 11th SEPTEMBER 2025

|                                                                                                                                                    |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>PUBLIC BUSINESS - resumption .....</b>                                                                                                          | <b>5</b>  |
| <b>1. Extension of Assembly sitting times.....</b>                                                                                                 | <b>5</b>  |
| 1.1 Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):..                                                          | 5         |
| 1.1.1 Deputy R.S. Kovacs of St. Saviour:.....                                                                                                      | 5         |
| 1.1.2 Deputy A. Howell of St. John, St. Lawrence and Trinity:.....                                                                                 | 5         |
| 1.1.3 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter: .....                                                                                 | 6         |
| 1.1.4 Deputy I. Gardiner of St. Helier North: .....                                                                                                | 6         |
| 1.1.5 Deputy M.R. Scott of St. Brelade: .....                                                                                                      | 6         |
| 1.1.6 Deputy J. Renouf of St. Brelade: .....                                                                                                       | 6         |
| 1.1.7 Deputy L.M.C. Doublet of St. Saviour: .....                                                                                                  | 6         |
| 1.1.8 Connétable M.K. Jackson of St. Brelade: .....                                                                                                | 6         |
| 1.1.9 Deputy M.R. Le Hegarat of St. Helier North:.....                                                                                             | 7         |
| 1.1.10 Deputy R.J. Ward of St. Helier Central: .....                                                                                               | 7         |
| 1.1.11 Deputy S.G. Luce of Grouville and St. Martin: .....                                                                                         | 7         |
| 1.1.12 Deputy P.M. Bailhache of St. Clement: .....                                                                                                 | 7         |
| 1.1.13 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:.....                                                                              | 8         |
| 1.1.14 Deputy T.JA. Binet of St. Saviour: .....                                                                                                    | 8         |
| 1.1.15 Deputy M. Tadier of St. Brelade: .....                                                                                                      | 8         |
| 1.1.16 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....                                                                               | 9         |
| 1.1.17 Deputy S.M. Ahier: .....                                                                                                                    | 9         |
| <b>2. Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025): fourth amendment (P.24/2025 Amd.(4)) - paragraph 6 - resumption .....</b> | <b>10</b> |
| 2.1 Deputy I. Gardiner of St. Helier North: .....                                                                                                  | 10        |
| 2.1.1 Deputy J. Renouf of St. Brelade: .....                                                                                                       | 11        |
| 2.1.2 Deputy R.J. Ward of St. Helier Central: .....                                                                                                | 11        |
| 2.1.3 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:.....                                                                                | 11        |
| <b>2.2 Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025): third amendment (P.24/2025 Amd.(3)).....</b>                             | <b>13</b> |
| 2.2.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....                                                                               | 13        |
| 2.2.2 Deputy M.B. Andrews of St. Helier North: .....                                                                                               | 14        |
| 2.2.3 Deputy M. Tadier of St. Brelade:.....                                                                                                        | 14        |
| 2.2.4 Deputy M.E. Millar of St. John, St. Lawrence and Trinity: .....                                                                              | 15        |
| 2.2.5 Deputy S.Y. Mézec of St. Helier South:.....                                                                                                  | 16        |
| 2.2.6 Deputy M.R. Scott of St. Brelade: .....                                                                                                      | 17        |
| 2.2.7 Deputy I. Gardiner of St. Helier North: .....                                                                                                | 17        |
| 2.2.8 Deputy R.J. Ward:.....                                                                                                                       | 17        |
| 2.2.9 Deputy P.M. Bailhache of St. Clement:.....                                                                                                   | 17        |
| 2.2.10 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:.....                                                                                 | 18        |

|                                                                                                                                                             |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2.2.11 Deputy J. Renouf:.....                                                                                                                               | 18        |
| <b>2.3 Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025): fourth amendment (P.24/2025 Amd.(4)) - paragraphs 7, 8, 10, 11(2),11(5) .....</b> | <b>21</b> |
| 2.3.1 Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel) of St. John, St. Lawrence and Trinity:.....                         | 21        |
| 2.3.2 Deputy S.Y. Mézec of St. Helier South: .....                                                                                                          | 22        |
| 2.3.3 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....                                                                                        | 22        |
| <b>3. Draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- (P.40/2025) .....</b>                                         | <b>25</b> |
| 3.1 Deputy M.R. Le Hegarat (The Minister for Justice and Home Affairs) of St. Helier North: .....                                                           | 26        |
| 3.1.1 Deputy C.D. Curtis of St. Helier Central: .....                                                                                                       | 27        |
| 3.1.2 Connétable R.P. Vibert of St. Peter: .....                                                                                                            | 27        |
| 3.1.2 Deputy M.R. Le Hegarat:.....                                                                                                                          | 28        |
| 3.2 Deputy M.R. Le Hegarat of St. Helier North:.....                                                                                                        | 30        |
| 3.3 Deputy M.R. Le Hegarat:.....                                                                                                                            | 30        |
| 3.3.1 Connétable M. Labey of Grouville: .....                                                                                                               | 31        |
| 3.3.2 Deputy P.M. Bailhache of St. Clement:.....                                                                                                            | 31        |
| 3.3.3 Deputy M.R. Le Hegarat:.....                                                                                                                          | 31        |
| <b>4. Draft Children and Civil Status (Consequential Amendments) (Jersey) Amendment No. 2 Regulations 202- (P.55/2025).....</b>                             | <b>34</b> |
| 4.1 Connétable R. Vibert of St. Peter (The Minister for Children and Families):.....                                                                        | 34        |
| 4.1.1 Deputy C.D. Curtis of St. Helier Central: .....                                                                                                       | 35        |
| 4.1.2 Deputy L.M.C. Doublet of St. Saviour: .....                                                                                                           | 36        |
| 4.1.3 Deputy M.R. Ferey of St. Saviour: .....                                                                                                               | 36        |
| 4.1.4 The Connétable of St. Peter: .....                                                                                                                    | 37        |
| 4.2 The Connétable of St. Peter: .....                                                                                                                      | 40        |
| 4.2.1 Deputy P.M. Bailhache of St. Clement:.....                                                                                                            | 40        |
| 4.2.2 The Connétable of St. Peter: .....                                                                                                                    | 40        |
| 4.3 The Connétable of St. Peter: .....                                                                                                                      | 43        |
| 4.3.1 Connétable M.A. Labey of Grouville: .....                                                                                                             | 43        |
| 4.3.2 The Connétable of St. Peter: .....                                                                                                                    | 43        |
| <b>5. Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025) .....</b>                                                                          | <b>45</b> |
| 5.1 Deputy S.M. Ahier of St. Helier North (Chair of Privileges and Procedures Committee): .....                                                             | 45        |
| 5.1.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity: .....                                                                                       | 45        |
| 5.1.2 Connétable A.N. Jehan of St. John: .....                                                                                                              | 46        |
| 5.1.3 Deputy M. Tadier of St. Brelade:.....                                                                                                                 | 47        |
| 5.1.4 Deputy R.J. Ward of St. Helier Central: .....                                                                                                         | 50        |
| 5.1.5 Deputy S.Y. Mézec of St. Helier South: .....                                                                                                          | 52        |
| 5.1.6 Deputy M.R. Scott of St. Brelade: .....                                                                                                               | 55        |
| 5.1.7 Deputy S.G. Luce of Grouville and St. Martin: .....                                                                                                   | 56        |
| 5.1.8 Deputy S.M. Ahier:.....                                                                                                                               | 56        |
| <b>LUNCHEON ADJOURNMENT PROPOSED .....</b>                                                                                                                  | <b>58</b> |
| <b>LUNCHEON ADJOURNMENT .....</b>                                                                                                                           | <b>58</b> |
| 5.2 Deputy S.M. Ahier:.....                                                                                                                                 | 58        |

|                                                                                                                          |           |
|--------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>5.3 Draft Election (Senators) (Jersey) Amendment Law 202- (P.56/2025): amendment (P.56/2025 Amd.).....</b>            | <b>59</b> |
| 5.3.1 Connétable A.S. Crowcroft of St. Helier: .....                                                                     | 59        |
| 5.3.2 Deputy S.M. Ahier:.....                                                                                            | 60        |
| 5.3.3 Deputy M.R. Scott of St. Brelade: .....                                                                            | 60        |
| 5.3.4 Connétable D.W. Mezbourian of St. Lawrence: .....                                                                  | 61        |
| 5.3.5 Deputy M.E. Millar of St. John, St. Lawrence and Trinity: .....                                                    | 61        |
| 5.3.6 Deputy M. Tadier of St. Brelade:.....                                                                              | 62        |
| 5.3.7 Deputy S.Y. Mézec of St. Helier South: .....                                                                       | 63        |
| 5.3.8 Connétable K. Shenton-Stone of St. Martin: .....                                                                   | 64        |
| 5.3.9 Deputy R.J. Ward of St. Helier Central: .....                                                                      | 64        |
| 5.3.10 Deputy C.F. Labey of Grouville and St. Martin: .....                                                              | 65        |
| 5.3.11 Deputy J. Renouf of St. Brelade:.....                                                                             | 66        |
| 5.3.12 Connétable A.N. Jehan of St. John: .....                                                                          | 67        |
| 5.3.13 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....                                                     | 68        |
| 5.3.14 Deputy I. Gardiner of St. Helier North: .....                                                                     | 69        |
| 5.3.15 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter: .....                                                    | 69        |
| 5.3.16 Deputy L.V. Feltham of St. Helier Central: .....                                                                  | 70        |
| 5.3.17 Deputy P.M. Bailhache of St. Clement: .....                                                                       | 70        |
| 5.3.18 Deputy L.M.C. Doublet of St. Saviour: .....                                                                       | 70        |
| 5.3.19 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:.....                                                       | 71        |
| 5.3.20 Deputy S.G. Luce of Grouville and St. Martin: .....                                                               | 71        |
| 5.3.21 Deputy T.J.A. Binet of St. Saviour: .....                                                                         | 71        |
| 5.3.22 Deputy C.S. Alves of St. Helier Central: .....                                                                    | 72        |
| 5.3.23 The Connétable of St. Helier:.....                                                                                | 72        |
| <b>5.4 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025): fourth amendment (P.56/2025 Amd.(4)).....</b> | <b>74</b> |
| 5.4.1 Deputy M. Tadier:.....                                                                                             | 74        |
| 5.4.2 Deputy S.M. Ahier of St. Helier North: .....                                                                       | 78        |
| 5.4.3 Deputy R.J. Ward of St. Helier Central: .....                                                                      | 79        |
| 5.4.4 Connétable M.K. Jackson of St. Brelade: .....                                                                      | 80        |
| 5.4.5 Deputy M.R. Scott of St. Brelade: .....                                                                            | 81        |
| 5.4.6 Connétable K. Shenton-Stone of St. Martin: .....                                                                   | 82        |
| 5.4.7 Deputy J. Renouf of St. Brelade: .....                                                                             | 82        |
| 5.4.8 Deputy C.D. Curtis of St. Helier Central:.....                                                                     | 84        |
| 5.4.9 Deputy S.Y. Mézec of St. Helier South: .....                                                                       | 85        |
| 5.4.10 Deputy P.M. Bailhache of St. Clement: .....                                                                       | 87        |
| 5.4.11 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:.....                                                    | 87        |
| 5.4.12 Connétable A.N. Jehan of St. John: .....                                                                          | 88        |
| 5.4.13 Deputy M. Tadier: .....                                                                                           | 88        |
| <b>5.5 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025): second amendment (P.56/2025 Amd.(2)).....</b> | <b>92</b> |
| 5.5.1 Connétable M.K. Jackson of St. Brelade: .....                                                                      | 92        |
| 5.5.2 Deputy S.M. Ahier of St. Helier North: .....                                                                       | 92        |
| 5.5.3 Deputy R.J. Ward of St. Helier Central .....                                                                       | 92        |
| 5.5.4 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....                                                      | 93        |
| 5.5.5 Deputy S.Y. Mézec of St. Helier South: .....                                                                       | 93        |
| 5.5.6 Deputy M.R. Scott of St. Brelade: .....                                                                            | 94        |
| 5.5.7 The Connétable of St. Brelade: .....                                                                               | 94        |

|                                                                                                                                                               |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>ADJOURNMENT.....</b>                                                                                                                                       | <b>96</b>  |
| <b>5.6 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025): third amendment (P.56/2025 Amd.(3)) - as amended (P.56/2025 Amd.(3)Amd.) .....</b> | <b>96</b>  |
| 5.6.1 Deputy H.L. Jeune: .....                                                                                                                                | 96         |
| 5.6.2 Deputy S.M. Ahier of St. Helier North: .....                                                                                                            | 97         |
| 5.6.3 Deputy R.J. Ward of St. Helier Central: .....                                                                                                           | 97         |
| 5.6.4 Deputy J. Renouf of St. Brelade: .....                                                                                                                  | 97         |
| 5.6.5 Connétable M.K. Jackson of St. Brelade: .....                                                                                                           | 98         |
| 5.6.6 Deputy M.R. Scott of St. Brelade: .....                                                                                                                 | 98         |
| 5.6.7 Deputy M. Tadier of St. Brelade:.....                                                                                                                   | 99         |
| 5.6.8 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....                                                                                           | 100        |
| 5.6.9 Connétable R.D. Johnson of St. Mary: .....                                                                                                              | 101        |
| 5.6.10 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:.....                                                                                         | 101        |
| 5.6.11 Deputy H.L. Jeune:.....                                                                                                                                | 101        |
| <b>5.7 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025) - as amended .....</b>                                                              | <b>103</b> |
| 5.7.1 Deputy S.M. Ahier of St. Helier North: .....                                                                                                            | 103        |
| 5.8 Deputy S.M. Ahier:.....                                                                                                                                   | 104        |
| 5.8.1 Connétable M.A. Labey of Grouville: .....                                                                                                               | 105        |
| 5.8.2 Deputy S.Y. Mézec of St. Helier South: .....                                                                                                            | 105        |
| 5.8.3 Deputy M.R. Ferey of St. Saviour: .....                                                                                                                 | 105        |
| 5.8.4 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....                                                                                           | 105        |
| 5.8.5 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:.....                                                                                           | 105        |
| 5.8.6 Connétable K. Shenton-Stone of St. Martin: .....                                                                                                        | 105        |
| 5.8.7 Deputy J. Renouf of St. Brelade: .....                                                                                                                  | 106        |
| 5.8.8 Deputy M. Tadier of St. Brelade:.....                                                                                                                   | 107        |
| 5.8.9 Deputy M.R. Scott of St. Brelade: .....                                                                                                                 | 108        |
| 5.8.10 Deputy L.V. Feltham of St. Helier Central: .....                                                                                                       | 109        |
| 5.8.11 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:.....                                                                                         | 109        |
| 5.8.12 Connétable A.N. Jehan of St. John: .....                                                                                                               | 110        |
| 5.8.13 Deputy R.J. Ward of St. Helier Central: .....                                                                                                          | 110        |
| 5.8.14 Deputy S.M. Ahier: .....                                                                                                                               | 111        |
| <b>6. Extension of Section 75 (Electronic Travel Authorisations) of the Nationality and Borders Act 2022 to Jersey (P.58/2025) .....</b>                      | <b>113</b> |
| 6.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs - rapporteur): .....                                                | 113        |
| 6.1.1 Deputy K.F. Morel:.....                                                                                                                                 | 115        |
| 6.1.2 Deputy R.J. Ward of St. Helier Central: .....                                                                                                           | 115        |
| 6.1.3 Connétable K.C. Lewis of St. Saviour:.....                                                                                                              | 116        |
| 6.1.4 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:.....                                                                                           | 116        |
| 6.1.5 Deputy M.R. Le Hegarat:.....                                                                                                                            | 116        |
| <b>ADJOURNMENT.....</b>                                                                                                                                       | <b>120</b> |

[9:30]

**The Roll was called and the Greffier of the States led the Assembly in Prayer.**

**Male Speaker:**

Before we start, could I raise the défaut on the Constable of St. Helier?

**The Deputy Bailiff:**

Are Members content to raise the défaut? The défaut is raised.

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

Could I raise the défaut on Deputy Southern as well?

**The Deputy Bailiff:**

Are Members content to raise the défaut on Deputy Southern? The défaut is raised.

**PUBLIC BUSINESS - resumption**

**Deputy S.Y. Mézec:**

Sorry, Sir, would it be possible just to inform Members that before we crack on that due to some very constructive discussions I was able to have after we adjourned yesterday and this morning, including with the chair of the Scrutiny Panel, that I am happy to change my position on this amendment and say to the Assembly that I am happy for this amendment to be accepted. I thank the chair of the Scrutiny Panel for engaging with me and agreeing that we will meet very shortly and talk about what the best way forward on this is. I just wanted to inform Members of my change in position and the reasons why.

**The Deputy Bailiff:**

Thank you.

## **1. Extension of Assembly sitting times**

### **1.1 Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):**

Due to the heavy nature of the Order Paper and due to the time limitations that we have put upon us, notwithstanding the acceptance of the amendment by the Minister for Housing, I would like to propose that we extend the sitting until 8.00 p.m. today and to 8.00 p.m. tomorrow with a break between 5.30 and 6.00 on both days. I cannot emphasise enough how important it is that P.56, the Senator's law, is debated and a conclusion is reached within this sitting to concentrate people's minds.

**The Deputy Bailiff:**

Is that proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition that we sit until 8.00 tonight and 8.00 tomorrow with a break of 5.30 for half an hour on both days?

#### **1.1.1 Deputy R.S. Kovacs of St. Saviour:**

I understand the importance of finishing all the business in this week and that we have a heavy agenda, but we also have to consider that we have parents in this Assembly and that school is off today. I cannot just find out on the day of the sitting that I have to extend care to my children that I already struggled to find for today. So if this is planned can it be planned in the future ahead so parents can plan accordingly because it is not something that we can snap our fingers and find care for. For me it is a no because today I really cannot. I could probably for tomorrow but today, I really struggled already.

#### **1.1.2 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

I think some of us have a Parish Assembly this evening and it would be ... I understand that we need to carry on but could we perhaps do it without the break and finish earlier?

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

I appreciate the sentiment of Deputy Kovacs. Many Members in this Assembly have caring responsibilities of one description or another. I do wonder if it might be possible within Standing Orders for those who do have to leave for caring responsibilities to be given a remote link so that they can at least participate while they are caring. That would mean we could get through the business as well.

#### **1.1.4 Deputy I. Gardiner of St. Helier North:**

I am exactly at the same position. School are off and I do need to care for the child. I will be happy to join remotely if it is possible to continue until 8.00. I understand it is important and maybe we need to consider to continue on Monday next week. I know it would be a different proposition, but if we need to consider we need to be back at the Assembly.

#### **1.1.5 Deputy M.R. Scott of St. Brelade:**

Just going through the options, also whether the P.P.C. (Privileges and Procedures Committee) has given consideration to perhaps asking some proposers to other work for that to be postponed to the next sitting.

#### **1.1.6 Deputy J. Renouf of St. Brelade:**

I do have some caring issues tonight, but I do want to slightly object to the idea that simply by giving a link Members can participate. That is not participation in a debate when you have caring responsibilities at the same time. I do not really accept that. My preference, for what it is worth - I will abide by what the Assembly decides - but I would prefer we grasp the nettle and said we are overrunning and gave people the chance to organise their time accordingly and reschedule for Monday. I know that will mean rescheduling a lot of business, not least some Scrutiny business which I am involved in, but I think that gives the chance for people to prepare, to make appropriate arrangements. It will be awkward and difficult, but in my view it is better than these rushed arrangements that we give up a night when many people are going to struggle to do it, and a second night when many people also have other arrangements.

#### **1.1.7 Deputy L.M.C. Doublet of St. Saviour:**

First of all, I appreciate the chair of P.P.C. making this suggestion in the morning, rather than at the end of the day. I think that is helpful. I have 2 suggestions. The points raised by Deputies Kovacs and Gardiner apply to me also. I have already struggled to find childcare today. If we could possibly consider this over the morning, because there may be some Members of the Assembly with caring responsibilities that could make arrangements, given some notice, could we perhaps defer the vote on this until or just before lunch, so that those who maybe want to try and make arrangements can do so? Also, another suggestion that might help, because some Members may be able to participate fully from home, especially if there is a second parent who is able to help at home, some Members may not be able to do that and may need to use the parental responsibilities reason for being excused. In that case, would it be possible for you to have a roll call at the end of the day so that those Members who do need to use that could be in effect from perhaps a second roll call?

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

In pointing out to those who have mentioned sitting on Monday, I would not support that given that we have a scheduled Constables' committee meeting on that day. I would like to add that the P.P.C. might like to consider the items that follow on from the Senatorial debate, as to whether they could be deferred to another meeting.

### **1.1.9 Deputy M.R. Le Hegarat of St. Helier North:**

Just to let Members know that the P.P.C. chair has already spoken to myself and the Chief Minister. I cannot push mine back any further and his cannot be pushed back any further either due to the timescales and, more importantly, next week some of us are on official businesses out of Island in France, which means that it would not be possible for us to be here because those arrangements are already made with our counterparts in Europe.

### **1.1.10 Deputy R.J. Ward of St. Helier Central:**

I do not have caring arrangements apart from my dog, but I have got someone to look after him, but I would like to be an advocate for those who do have caring arrangements. If we are going to be a genuinely inclusive Assembly and get people from all walks of life, those who have children, those who have caring responsibilities, we need to take account of that. I would say 2 things therefore, that to say at the beginning of today until 8.00 I cannot support that because that is very short notice to get any sort of caring backing. Second as well, I would also warn against long, long days of sitting. By the end of yesterday I think we were all very fatigued, people were losing track of where we were. We have to give it our full focus and concentration throughout the time that we are here so that we do not make poor decisions, and we have big decisions to make. Therefore, I do not think going on for 11 hours, or whatever it is, is a sensible thing to do. If we do have to go on, on Friday, because there are specific things that are perhaps a little easier, then we can discuss that.

[9:45]

But I cannot support extending the day today until 8.00 for those who have responsibilities. I do not think it is suitable just to say: "I will go home and attend online." I think the Assembly here is here in person. I support people being able to attend online when they have responsibilities or they may be feeling ill or not spreading illness across the Assembly in such a small place, but this is not the time to do it. I am not going to support this. We can come back on Monday. We are here primarily to be Members of this Assembly. Meetings can be moved if we have meetings. I have meetings on Monday. I will move them. I have meetings tomorrow, I will move them, because this is the primacy of where we are. I understand that people are off-Island, but that is a risk you take if you do book something off-Island on those days, and if you are on States business, then you are allowed to be off on States business. I am sorry, I think we should be not extending today for those reasons.

### **1.1.11 Deputy S.G. Luce of Grouville and St. Martin:**

The first thing I would like to do is to say that I have P.53 on the agenda, which I am happy to move to the next sitting, if that helps. The second thing I would like to say is, I think everybody in the Assembly must have known we were in for a huge week this week. Just looking at the agenda was quite clear. We have in our diaries Tuesdays and Wednesdays, Thursdays and Fridays are continuation days, but Monday is not a continuation day. We should be expecting to be here on a Friday when we have long States sittings. I agree with P.P.C., we need to go later, we need to get this agenda finished, but the only thing I would say in closing is surely we will look at shorter lunch hours before we extend the day.

### **The Deputy Bailiff:**

Deputy Howell, I think you have spoken already, have you not?

### **Deputy A. Howell:**

Yes, I was just going to say we have a shorter lunch break.

### **The Deputy Bailiff:**

You really cannot speak again.

### **1.1.12 Deputy P.M. Bailhache of St. Clement:**

I just wanted to say, so far as it is material to this question, that for a number of reasons I propose to withdraw my amendment to the section 75 extension. I will be writing to the Greffier in that connection shortly.

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

I was going to partly echo Deputy Luce's words. I do not think that anybody should be surprised that we are faced with working a bit longer. It was a very, very heavy agenda, and it was very apparent in the amendments and the subject matter that this was going to be a very long debate. I am surprised that anybody is surprised that they are being asked to work late. I would also like to make the observation that when I had a proper job [Laughter] I regularly worked until 8 o'clock at night. We are asked to be in this Assembly for 2 or 3 days every 3 weeks. I do find it surprising that people cannot arrange childcare and caring responsibilities for that time. There are people in the public and private sector who will be working from 9.00 to 8.00, and the notion that we cannot work beyond 5.30 basically looks absurd, that people regularly work overtime on their jobs and that we cannot not for various reasons. I am sure we should all be able to structure our days. We can stay late. Everybody else does it. I think us not being able to sit late sends a very poor message to the public.

**1.1.14 Deputy T.JA. Binet of St. Saviour:**

Like Deputy Millar, I have had other jobs. I have never had a job that provided me with an hour and a half lunch break and I would like to suggest that we could easily gain another hour if we just took 30 minutes to have a sandwich or a cup of coffee and perhaps stay on until 6.00, if Members can do that. We almost put in the same amount of time over the 2 days, but the 2 withdrawals, I should imagine, we would get through the same work. If people were careful about shortening their speeches and only saying what is required, I think we could be home early tomorrow.

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

I am disappointed that Deputy Millar does not think that being a Member of this Assembly is a proper job. Perhaps when she becomes Senator she will think that is a proper role and a proper job, but maybe until then none of us is doing a proper job. I think the key thing here with employment law is that an employer in the public or private sector would never have something forced upon her or him saying: "We expect you to stay to 8 o'clock tonight, we expect all of you to stay to 8 o'clock tonight", without giving them proper opportunity to arrange childcare. I think normally good practice would be that you would at least give some notice that you are required to sit late, and I think this does give food for thought to our Privileges and Procedures Committee about what we should do. Certainly for my part I would be happy to sit until 8.00, and I would probably avail myself of an online link after 5.30 so I can go home and do some family responsibilities of my own while still listening and still fully participating. Because ultimately we can still speak and we can still vote online, and those are the most important things. Obviously being here is great but it is not essential, as Deputy Doublet is showing us now. She is participating from home and contributed to this part of the debate. It is entirely possible to balance those things, and we did it quite well over COVID. But I think making these decisions on the hoof is not good practice and it is not good family-friendly policy. I think at the very least we all know that we should be coming back tomorrow. I have certainly cancelled other engagements that I would have had on the Friday. I am not expecting to sit on the Monday but Tuesday, Wednesday, Thursday are all continuation days where we should be available. I would suggest that we work until normal hours this evening, which I think a half an hour extension we accept as being entirely reasonable to finish off the part of the debates that we are working on so things do not hang over. I think if we had noticed that we were sitting into 8 o'clock tomorrow evening that would give us all the time to make reasonable preparations and then sit Tuesday, Wednesday, Thursday, if necessary. We do only meet every 3 weeks in this Assembly, it used to be every 2 weeks, and I question ... I have never supported that reduction in our sitting times and I would also ask my committee, via the chair, that we do put that on the agenda because we do



find ourselves in these pinch points at key times during the year where Assembly business just masses up, and meeting every 2 weeks would give us more flexibility. Where we are, my position is very clear, let us meet tonight up until 6 o'clock if we need to but tomorrow until 8 o'clock, and then come back Tuesday, Wednesday, Thursday, as we are supposed to be doing, as we are expecting to do, those are the continuation days.

**The Deputy Bailiff:**

Deputy Morel will be the last speaker and then I will ask Deputy Ahier to reply.

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

It is more just to say I would be grateful if we could all stop the comparisons to this Assembly and employers given the events of Tuesday morning because it is clear that we are neither. We are not friendly in many ways whatsoever and so this idea that we can compare ourselves to employers is just not appropriate whatsoever and I would prefer us to give up that pretence.

**1.1.17 Deputy S.M. Ahier:**

A vast host of opinions, which is unsurprising. I was asked if there were any items on the Order Paper that could be moved forward and whether I had engaged, and that is indeed the case. I have engaged, as was mentioned by the Minister for the Environment, and he has very kindly suggested that he may be able to defer P.53. I engaged with the Minister for Justice and Home Affairs as well, and she informs me that she cannot delay her proposition. Obviously, the concern about parental duties, we do have the online availability and that is purely for those very parental duties that we have been discussing. Planning ahead, that is very difficult for me. I do not know how the debate is going to go and I had no idea that the R.T.L. (Residential Tenancy Law) would be extended for such a long period yesterday. So this is really the first opportunity that I have had to make a suggestion about extending the time. Monday not being a continuation day, and obviously as the chair of the Comité has mentioned, it is the Comité des Connétables on Monday, so there would be a possibility that we would not be quorate anyway. Deferring until lunchtime - Deputy Doublet mentioned that - I think it is important that we get clarification now if we are going to continue later today. Deputy Tom Binet mentioned the suggestion of lunch being reduced and staying until 6.00 p.m., which I think is a perfectly fine suggestion, but what I am proposing is that we stay until 8.00 p.m. I will maintain that standpoint, and if it fails then I am sure that Deputy Binet can make that proposal himself. I maintain my proposition, and I call for the appel

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. The proposition is we sit until 8.00 p.m. today and tomorrow with a break at 5.30 for half an hour. I ask the Greffier to open the voting. All Members have had the opportunity of casting their votes. I ask the Greffier to close the voting and the proposition has been adopted:

| <b>POUR: 26</b>            |  | <b>CONTRE: 20</b>           |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|-----------------------------|--|-------------------|
| Connétable of St. Helier   |  | Connétable of St. Martin    |  |                   |
| Connétable of St. Lawrence |  | Connétable of St. John      |  |                   |
| Connétable of St. Brelade  |  | Connétable of St. Ouen      |  |                   |
| Connétable of Trinity      |  | Deputy G.P. Southern        |  |                   |
| Connétable of St. Peter    |  | Deputy M. Tadier            |  |                   |
| Connétable of St. Clement  |  | Deputy L.M.C. Doublet       |  |                   |
| Connétable of Grouville    |  | Deputy R.J. Ward            |  |                   |
| Connétable of St. Mary     |  | Deputy C.S. Alves           |  |                   |
| Connétable of St. Saviour  |  | Deputy I. Gardiner          |  |                   |
| Deputy C.F. Labey          |  | Deputy S.Y. Mézec           |  |                   |
| Deputy S.G. Luce           |  | Deputy T.A. Coles           |  |                   |
| Deputy K.F. Morel          |  | Deputy B.B. de S.V.M. Porée |  |                   |
| Deputy M.R. Le Hegarat     |  | Deputy D.J. Warr            |  |                   |
| Deputy S.M. Ahier          |  | Deputy M.R. Scott           |  |                   |
| Deputy I.J. Gorst          |  | Deputy J. Renouf            |  |                   |
| Deputy L.J. Farnham        |  | Deputy C.D. Curtis          |  |                   |
| Deputy Sir P.M. Bailhache  |  | Deputy L.V. Feltham         |  |                   |
| Deputy H.M. Miles          |  | Deputy A. Howell            |  |                   |
| Deputy R.E. Binet          |  | Deputy T.J.A. Binet         |  |                   |
| Deputy H.L. Jeune          |  | Deputy R.S. Kovacs          |  |                   |
| Deputy M.E. Millar         |  |                             |  |                   |
| Deputy M.R. Ferey          |  |                             |  |                   |
| Deputy B. Ward             |  |                             |  |                   |
| Deputy K.M. Wilson         |  |                             |  |                   |
| Deputy L.K.F. Stephenson   |  |                             |  |                   |
| Deputy M.B. Andrews        |  |                             |  |                   |

## **2. Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025): fourth amendment (P.24/2025 Amd.(4)) - paragraph 6 - resumption**

### **The Deputy Bailiff:**

Returning to the debate in Second Reading. We were considering part 6 of the fourth amendment lodged by the panel, and the next Member listed to speak was Deputy Gardiner.

### **2.1 Deputy I. Gardiner of St. Helier North:**

Actually, after the Minister's acceptance, I wanted to ask, before ... probably I will not speak. I will ask 2 things, if it is possible to be provided, I am not sure by the Greffier or by the Minister. One thing is: what are Ministerial powers by order included? To have like a screenshot, because I scroll through the ... like, for example, Article 23 gives several Ministerial powers to amend the law by

order, and I think they are pretty extensive. I also understand that the Minister can introduce to enact the law by order and not coming back to the Assembly. If it is possible to have a consolidated table what are the powers by order in ... what does it mean by order that Minister did make a decision to sign and it is happening that the Minister does not need to come back to the Assembly to understand before the third vote. I am not sure like everyone felt, but at some point yesterday I felt that I am losing track what we accepted and what we amended so, for example, periodic tenancy, what is the final version that we are going to vote in the Third Reading. You might know, but I am not entirely sure if it is ... I would like to see the law. I do not need to see, but I would like to see what we would be voting at the Third Reading, because there were so many amendments and it was so complex. I am not sure who can provide, how it can be provided, but I think it will help the final debate.

#### **2.1.1 Deputy J. Renouf of St. Brelade:**

I was going to speak in favour of the amendment, but the Minister has indicated he is accepting it, so I have no further need to talk.

#### **2.1.2 Deputy R.J. Ward of St. Helier Central:**

I was just going to say, I think, moving this debate on, I am pleased that the Minister has had this connection with Scrutiny, had that dialogue, and there have been changes as we have gone through this debate. I think that is a positive move forward and a really challenging thing. I think again there needs to be some credit given across Scrutiny and the Minister for that dialogue. I just want to make that point. I can accept the fact that it has been accepted as well.

#### **The Deputy Bailiff:**

I call upon Deputy Jeune to reply.

#### **2.1.3 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Just for a reminder after we had a sleep on it, we are talking about amendment D1 on removing criminal penalties to secondary legislation. So the panel brought this amendment because both the panel's expert adviser and industry representatives warned this addition of Article 7 could lead to the criminalisation of otherwise compliant landlords based on vague or subjective standards around giving reasons for notice and the J.L.A. (Jersey Landlords Association) and Jersey Estate Agents' Association further questioned the need for criminal penalties, arguing that disputes over termination grounds are more appropriately resolved through civil courts, as in the case in the U.K. (United Kingdom). So after considering all the evidence the panel believes there is still a need for a proportionate enforceable penalties framework and, as the Minister has mentioned, we will be working with him on what that would look like. But we believe this cannot be achieved through the current drafting, and we are not confident a new criminal offence of this nature is ready for implementation without further definition and supporting mechanisms, as the Attorney General said yesterday and confirmed yesterday that criminal penalties can be contained in both primary and secondary legislation. This is what we are asking Members to support with this amendment, that this specific criminal penalty regarding giving false or misleading reasons to end a tenancy is moved to secondary legislation so that any expanding of the penalties regime can be done following proper consultation and for this Assembly to then approve a penalty framework that is proportionate, effective and targeted and well understood. I would just like to thank the Minister for his constructive discussions with Scrutiny and I hope that Members can support this amendment.

[10:00]

#### **The Deputy Bailiff:**

Is the appel called for?

#### **Deputy H.L. Jeune:**

Yes, Sir.

**The Deputy Bailiff:**

The appel is called for. Members are invited to return to their seats and I invite the Greffier to open the voting. If all Members have had a chance of casting their votes I ask the Greffier to close the voting. I can announce that the amendment has been adopted unanimously:

| <b>POUR: 46</b>             |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|-----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier    |  |                  |  |                   |
| Connétable of St. Lawrence  |  |                  |  |                   |
| Connétable of St. Brelade   |  |                  |  |                   |
| Connétable of Trinity       |  |                  |  |                   |
| Connétable of St. Peter     |  |                  |  |                   |
| Connétable of St. Martin    |  |                  |  |                   |
| Connétable of St. John      |  |                  |  |                   |
| Connétable of St. Clement   |  |                  |  |                   |
| Connétable of Grouville     |  |                  |  |                   |
| Connétable of St. Ouen      |  |                  |  |                   |
| Connétable of St. Mary      |  |                  |  |                   |
| Connétable of St. Saviour   |  |                  |  |                   |
| Deputy G.P. Southern        |  |                  |  |                   |
| Deputy C.F. Labey           |  |                  |  |                   |
| Deputy M. Tadier            |  |                  |  |                   |
| Deputy S.G. Luce            |  |                  |  |                   |
| Deputy L.M.C. Doublet       |  |                  |  |                   |
| Deputy K.F. Morel           |  |                  |  |                   |
| Deputy M.R. Le Hegarat      |  |                  |  |                   |
| Deputy S.M. Ahier           |  |                  |  |                   |
| Deputy R.J. Ward            |  |                  |  |                   |
| Deputy C.S. Alves           |  |                  |  |                   |
| Deputy I. Gardiner          |  |                  |  |                   |
| Deputy I.J. Gorst           |  |                  |  |                   |
| Deputy L.J. Farnham         |  |                  |  |                   |
| Deputy S.Y. Mézec           |  |                  |  |                   |
| Deputy Sir P.M. Bailhache   |  |                  |  |                   |
| Deputy T.A. Coles           |  |                  |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                  |  |                   |
| Deputy D.J. Warr            |  |                  |  |                   |
| Deputy H.M. Miles           |  |                  |  |                   |

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

## **2.2 Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025): third amendment (P.24/2025 Amd.(3))**

### **The Deputy Bailiff:**

We now move on to the third amendment lodged by Deputy Renouf, and I invite the Greffier to read the amendment.

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

1. Article 6 – (1) In Article 6, new Part 3A, new Article 7A(3) and (5), delete “, capped at 5 per cent”.
- (2) In Article 6, new Part 3A, new Article 7A(5)(a), delete “, but capped at a maximum of 5 per cent”.
2. Article 19 – (1) In Article 19(1), delete new Article 24(1)(lb). (2) Renumber the remaining new sub-paragraphs and cross-references accordingly.

### **2.2.1 Deputy J. Renouf of St. Brelade:**

When I wrote the report to accompany this amendment, I said it was a short amendment with a suitably short report. I confess the shortness of the report may have been partly motivated by the fact the deadline fell when I was on holiday, but happily I can say that this will be an even more suitably short speech. My argument, in essence, is that a 5 per cent cap on annual rent increases goes too far and, in a high inflation environment, would shift too much risk on to landlords. An inflation cap with exemptions is sufficient to protect tenants from draconian rent increases while allowing landlords to respond fairly to an inflationary environment. The Minister has accepted the amendment, for which I am grateful. I do not like to take the Assembly for granted, but I cautiously note that there seems to have been general acceptance that the amendment makes the Minister’s proposals more acceptable. If I have got that wrong then I will say more in summing up, but I will stop there.

### **The Deputy Bailiff:**

Is the amendment seconded? [**Seconded**] Does anyone wish to speak on the amendment?

### **2.2.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

The panel and the expert adviser found limiting rent increases to once per year with 2 months' notice and in many instances limited to R.P.I. (retail price index) was uncontroversial and were aligning with best practice. During a public hearing the Jersey Estate Agents' Association confirmed that annual reviews set at R.P.I. with 2 months' notice have been standard practice under the 2011 law and that enshrining them in the Amendment Law would merely formalise an existing convention. However, concerns were raised about the proposed cap of 5 per cent or R.P.I., whichever was lower. Key concerns included the strength of the evidence base supporting the policy, potential negative impacts on the rental market and rental supply, and risk of unintended consequences. After much discussion, the panel felt that the decision to change the percentage figure cap or remove it to be one for the Assembly. We therefore focused on developing amendment A1, which also makes an amendment in this regard, where it proposed to place a permanent floor under the percentage figure so that no further Assembly could reduce it below 5 per cent. The intention was to provide certainty, but Deputy Renouf's third amendment offers a cleaner approach. By pegging increases solely to R.P.I., it removes the need for any additional percentage safeguard. It simplifies the law, making it more transparent and easier to enforce, and this approach is supported by the panel's report, which found that the mechanism for the rent increase limit was developed with the Government of Jersey's Economics Unit. That work, set out in the rent stabilisation paper, drew on existing analysis, historic R.P.I. data and established rental practices. It shows that R.P.I. alone is a credible and robust anchor for rent stabilisation, and for these reasons I urge Members to back the third amendment.

### **2.2.2 Deputy M.B. Andrews of St. Helier North:**

That has been a very interesting amendment that Deputy Renouf has lodged, and I know there has been quite a lot of support among landlords and other members of the public as well. But I just wanted to really understand the rationale behind the amendment because, as it currently stands, of course, you remove the cap, but also say whether a landlord, the investment return, is going to be within the rate of inflation. I know if I was looking at any investment opportunities, I would be looking to derive a positive real return if possible, above the rate of an inflation. I think that would probably be encouraging investment in any investment opportunities that are available, whereas if you are only restricting an investment return within the rate of inflation, then potentially you are constraining investments. I just wanted to understand why the Deputy only addressed the cap. I thought if anybody was of the strong belief that investment returns should not be restricted, why was the R.P.I. measure still left within the amendment? That is all I have to say.

### **2.2.3 Deputy M. Tadier of St. Brelade:**

It is just a follow-on from the suggestion put forward by Deputy Andrews. There has been of course a strong theme in this that those who invest in property do it as an investment and therefore they expect to get certain returns. But of course we have also had the counter-argument that we are talking about homes here not properties. The other point that I made earlier is that not all landlords are homogenous. There are different landlords who become landlords in different ways, sometimes accidentally, sometimes by choice, sometimes it is a calculated business proposition, which they can do on a larger scale, other times it is on a small scale, as we have heard, something to put away as a private pension, perhaps in the absence of any other pension pot, or to add to a pension pot. This idea of inflation as being the benchmark would be fine if indeed all landlords were buy-to-let landlords and they were still paying off a mortgage. But we know that in Jersey, especially given the fact that Jersey has had no inheritance taxes since ... going back in all of our feudal times we have never had inheritance taxes. I am not saying that is a good or bad thing. The consequences, unlike other countries, that property then concentrates in families' hands over generations where the redistribution does not take place as it might in other places. So there will be lots of landlords out there who we can correctly attribute as being to the rentier class where they do not need to work, in the classical sense. You could say they have never done a proper day's work in their life, perhaps to paraphrase Deputy Millar, because they simply rely on rental income. I do not think they are in the

majority. I suspect that is not what the Jersey Landlords Association is about representing, but they do exist. They, in some cases, own hundreds of properties that they have never, ever paid for themselves, apart from perhaps to maintain, and they get all the benefits from it. That is how feudalism works. It is a great idea. Of course, R.P.I. is pretty much meaningless to them in the sense that they do not have any mortgages to service. Their properties might have been paid for hundreds of years ago and repaid by generations of tenants who they can get their income from. So, I think we do need to look at this R.P.I., and it is very difficult to have a one-size-fits-all because unless we are going to have a much more sophisticated Residential Tenancy Law, which actually looks into what a fair increase in your rent would be, and I think that is what a sophisticated and mature rent tribunal could do, they could look at the circumstances and say: "Look, okay, your landlord has an interest only buy to let and, of course, your landlord is going to be much more impacted by a 10 per cent R.P.I. figure than a landlord who has perhaps 100 properties or homes in their portfolio. They may not all be homes. Of course, some of them could be unoccupied, at which point they would simply be properties. They are less affected by the R.P.I. because they can take a longer view over time. It is not a simple picture as simply saying because R.P.I. is at such a level we need to make sure that landlords can charge at least what R.P.I. is. It is much more sophisticated, and I think that is why it is difficult, I suspect, both for the Minister and for anyone else trying to bring what might be a semblance of fairness into this whole argument, especially when we are dealing with private contracts and private property rights, to simply say that R.P.I. is a sound figure. So that does not necessarily help with the debate in any way about how one should vote. But I think it is not simply as saying that R.P.I. is always going to be the right figure. Of course, we also know that just because R.P.I. is running at whatever percentage, we have already heard that a lot of landlords do not put it up to that point in the first place. We do need to be careful about, as Deputy Millar has said, that the figure is seen as a floor rather than a ceiling. I would maybe suggest that in future, if there were possibilities, that we could have a much more sophisticated way deciding what a fair rent increase is, depending on what tenants can afford as well as what the landlord needs to recoup to have their profitability.

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

I would just like to reiterate my concerns about the whole question of trying to limit what landlords can do with rent. I do support Deputy Renouf's amendment, but I do not really think that it goes far enough. Many people who are landlords have spoken to me and said that they do not apply rent increases. They can go for years without applying rent increases because they like their tenant, everything is fine and they are very happy with the arrangement. On the other hand, you will sometimes hear stories of people whose rent has gone up by 20 per cent. They will say: "My rent has gone up by 20 per cent", but that often masks the fact that the rent has not gone up at all for several years and the landlord is trying to catch up with the market. I do believe that when you put a restriction, if you say to someone: "You cannot charge more than X, you cannot increase something by more than X", people who would not otherwise make increases will increase by that amount. I think by the very creation of a limit, rents will go up. There will be landlords who will put rents up as a pre-emptive measure before the law comes into play. It will lead to an increase in rent before the law comes into effect, and it will lead to routine rent increases among landlords and for tenants who would not otherwise have had them, and I do think we have to bear that in mind. I know not everybody will agree with that assessment, but that is my very genuine fear, and I would be willing to put money now that that is what will happen. We also do have to remember, listening to Deputy Tadier, that these are civil contracts. We are talking about homes; yes, we are talking about someone renting a home. But these are civil private contracts, often between individuals, and it does not really matter whether someone is using it as an investment or whether they have inherited the property or how they come to have that property that they are letting out. It is a private arrangement. They are choosing to make that property available for rent. Everybody wants that arrangement to go well. In a landlord-tenant situation, both parties have clear interests in making that work and making that work fairly. Because if a landlord is heavy-handed the tenant may leave. If the tenant damages the

property or disturbs the neighbours, the landlord will want them to leave, because they will not want the grief of having to deal with the neighbours. Everybody has an interest in making that arrangement work. I do think we should be very cautious about establishing bodies who come in and make pronouncements about what and what is not fair on the basis of you need to have a vast amount of information about properties, the type of property. It will cost a fortune because a rent tribunal cannot sit there on the basis of this is a 3-bedroom house therefore the rent cannot be more than X. Three-bedroom houses come in literally all shapes and sizes and locations, and all of those things come into effect. We may be creating a tribunal, which will be the most expensive tribunal on the Island, because the Members will be going out every other day to look at properties and compare properties and decide what adequate market rents are. It is a very subjective point of view. Even though we are told that there is no bureaucracy, we could be creating a bureaucracy that just collapses on its knees because of the amount of work involved in trying to set what is a fair rent. I know that not everybody will agree with that, but I have genuine concerns about placing restrictions on landlords. I do believe it will lead to increases in rent and not maintenance at low levels of rent.

### **2.2.5 Deputy S.Y. Mézec of St. Helier South:**

I am grateful to Deputy Renouf for bringing the amendment. I want to provide Members with 2 reassurances. The first is that this as an option, as opposed to the option that was originally proposed in the law, was something that was examined very deeply in the policy work as we are building up to proposing a residential tenancy law.

[10:15]

It is not an option out of the blue just established for convenience sake. It was something that was deeply considered in that process, and I did send Members yesterday morning the document that examined all of that and showed the rationale behind it and demonstrates that this option is one that does rank highly in all of that. So it is not something just out of the blue. It is a credible option and one that I do believe represents progress here, so I am happy to accept it. The second reassurance I want to provide, and hopefully this goes to the points that Deputy Millar was just making, which is to reiterate - and it does need reiterating because of irrelevant comparisons with systems in jurisdictions that have been raised in the last few days - but what is proposed on the table is a completely passive system. It does not require any extra requirements to be met or bureaucracies or permissions or anything like that when it comes to landlords managing what kinds of rent reviews they wish to apply. They will have absolute freedom to propose to their tenants the rent review that they regard as being acceptable and appropriate. That is something that only if it contravenes that cap of R.P.I. that the tenant would have the ability, if they sought to use it, to ask an independent rent tribunal to look at. That tribunal will be independent, it will be composed of qualified people who have a deep understanding of the market and will understand all the nuances that there are in terms of different property sizes, locations, et cetera. There are absolutely clearly defined exemptions. One of those is catching up with rent when you have not increased it for several years. If you are a tenant who has had it good for a few years, not had your rent go up for a few years, and your landlord decides actually sorry now is the time for a bit of a realignment on here, they are 100 per cent free to propose it to that tenant unilaterally, and if that tenant has got any sense they will say: "This is a good deal because I have had it good for a few years, the landlord is not being unreasonable now in proposing catching up with that, and if I sought to go to a rent tribunal they are not going to side with me", what a complete waste of time and effort appealing to that tribunal would be. So that system 99.9 per cent of the time, or whatever it is going to end up being, will be one that people do not have to engage with. It will purely be there as hopefully a little thought in the back of the landlord's head that when they are calculating their rent increases and their rent reviews to just make sure: "Yes, this is necessary. I am justified in doing this" and not for people pushing their luck or trying to squeeze until the pips squeak basically. It will be a deterrent for that but that is probably as far as it will go in almost all circumstances and only really exist as a backstop. That backstop is as passive as you



could possibly get it. It is not a government bureaucrat coming around with a clipboard and saying to a landlord: "This is what you can and cannot do." It is not anything vaguely like that. It is as passive as you can possibly get it. That regime, I think, is the proportionate system for Jersey. It is far less imposing than the systems that Jersey has had in the past with previous rent tribunals, and it already reflects what is good practice across, because lots of people already have terms in their contracts that limit rent increases to R.P.I. that currently do not allow them to catch up if they choose not to implement that rent review on an annual basis. Actually this is probably better for them. But hopefully, it will give tenants peace of mind that ordinarily - not extraordinarily but ordinarily - and that if they get surprised with a massive rent increase that they just cannot seem to find any legitimate justification for that they will have an independent place to go to, to double-check that for them. That will provide peace of mind and hopefully make it easier for tenants to, when they are living in the private rental sector, to know that they have got a degree of predictability there. If they are to have a rent increase imposed on them that is higher than R.P.I., it is going to be for a good reason because the system allows and enables for that. I think this system is really something Members do not have to worry about, and we did look very, very carefully at it. I sent the document to Members yesterday, it is a comprehensive piece, and I do not share the concern of Deputy Millar that it is going to establish high rent increases as a benchmark because the element she was concerned about is well taken care of in the rules that are being proposed. I am happy to support the amendment from Deputy Renouf.

#### **2.2.6 Deputy M.R. Scott of St. Brelade:**

I am just going to follow up on what the Minister said. You have passive and active tenants in the case of this Rent Tribunal because you will have some tenants who, despite the fact they exist, despite the fact they have rights, will not actually go to the Rent Tribunal and will not be protected by it. You could have very active, aggressive tenants who say this rent increase rounded just above R.P.I. is not R.P.I. and actually going to the Rent Tribunal. I think that the actual benefits of creating something and quite how it supports tenants needs to be considered in this conversation too.

#### **2.2.7 Deputy I. Gardiner of St. Helier North:**

I wanted to ask a point of clarification but I understand it is impossible now, if there was Assistant Minister to the Minister might respond, about the passive. There are contracts that exist now, most of the contracts maybe not comply 100 per cent with what we would if it would pass so, for example, if it is rent increase, if it is a tenancy, we are talking about the passive. When the Minister expecting this contract to be amended and comply with existing law, and obviously to change the contracts that exist now, will take time, money and learning the law. Is it expectations that current contracts would be amended and if, yes?

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

Again we have got an example of a question that was asked about what happens if somebody has not put the rent up for some time, and the law says if it is below market value, and that is the case, that is an exemption that can be used. I just urge Members to really look ... I know it was really difficult yesterday what was going on, but what the law actually says because we are going down some rabbit holes here that we do not need to. The law has got those exceptions in there and this amendment, all it does is link to inflation. It is a simple amendment and it does not stop those other exceptions if you are way behind the market rent. Or if you make significant improvements for the benefit of the tenant then you can also make exceptions to that increase in rent. Those things are in the law as protections in terms of improving the quality of housing. Just to remind Members of that.

#### **2.2.9 Deputy P.M. Bailhache of St. Clement:**

Would the Deputy explain why he has fixed upon R.P.I. as being the appropriate index to apply? The Consumer Prices Index is the internationally recognised measure of inflation, which is used by the United Kingdom and most O.E.C.D. (Organisation for Economic Co-operation and Development)

countries. It tracks the average change in prices of a fixed basket of goods and services typically bought by most households, and it excludes certain costs, such as mortgage interest, and is therefore a rather more consistent and comparable indicator of inflation in any community. I would like to ask the Deputy why he has fixed upon R.P.I.

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

It is nice to be getting to some amendments that one can support - I suppose I supported some yesterday, but the Minister just did not - because what is proposed here is certainly better, in my view, than what the Minister was initially proposing. As he said, he had his policy officers produce a document looking at various options so that he could bring forward from a policy perspective what he thought was the best policy when it comes to rent control. He circulated that document produced by policy officers again - I think he had already circulated it months ago - and his policy officers, as he said, produced that document. The reason I can support this amendment is because it has been a fascinating debate and we are not at the end of it yet, we have still got the votes on all of the Articles to go, because the Minister is, on one hand, quite right. We are getting to the situation in some parts of this law where it is representing what good landlords already do. It is representing what best practices and agents are suggesting to landlords. If we understand the rationale of the Minister correctly, he has never, in his own words, been seeking to penalise good landlords. It has always been about, in his words, rogue landlords or landlords that abuse their tenants, or whatever terminology you might wish to use. Therefore, I come back to the points I have been making throughout this debate. It cannot do what it has described on the tin as doing. Yesterday we heard from Deputy Bailhache right now people are experiencing bad landlords who are not even giving contracts, and yet the current law says landlords should give contracts. So we are producing a law which will have economic impact and unintended economic consequences that we do not know about. That is what the economic advice says, rather than the policy advice. We are producing this law to correct an evil, even though we cannot be sure that that is what it is going to do. I will be supporting this particular amendment but I still have grave concerns that Islanders will have finished this debate believing that they will not have what is described as excessive rent increases, and yet both the Minister and his colleague have said there are a number of black and white exceptions in the law which will allow for what some tenants will consider are excessive increases. Because if a landlord has not put their rent up for 5 years but the law allows them to come along and do a rent review and put it up by R.P.I. compounded at the end of that 5 years, no one can persuade me that when that tenant comes to the Minister for Housing and says: "Why on earth have you put my rent up by ... I have had a rent increase by 25 per cent" because that is what R.P.I. has done compounded, they are still going to be accused of being bad landlords even though they are going to be complying with this new legislation. A landlord puts a new heating system, for example, into a tenanted property. Who is that for the benefit for? Who is going to adjudicate about the benefit of that heating system? Is it adding value to the investment or is it improving the living conditions of the tenant? That will be the Rent Tribunal to decide. It is adding a whole host of uncertainty for good landlords who are already doing the basics, and this category of bad landlords that we keep hearing about will do, as I opined yesterday and as Deputy Millar opined today, they will use R.P.I. as their base for increasing their rents every year. I think I will be supporting the amendment because it is an improvement on the rent capping that was initially recommended by the Minister.

[10:30]

#### **The Deputy Bailiff:**

Does anyone else wish to speak on this amendment? Deputy Renouf to reply. Deputy Renouf.

#### **2.2.11 Deputy J. Renouf:**

I thank all Members who have spoken. I am encouraged by the fact that, despite all the points that were raised, I do not think I detected a single voice speaking against the amendment, but there were

some other points raised and I should address them. I think the Minister and a few other speakers have responded to some of them but I do want to tackle this idea that, even though the 5 per cent cap has been removed, we will still be in a position where landlords are able to and will choose to relentlessly increase rents by inflation every year just because they fear otherwise falling behind. I think there is a bit of a contradiction in this argument because the people who make that argument also usually make the point that many landlords have great respect for their tenants, want to keep good tenants and do not want to chase them away; they have a good stake in good tenants. It seems to me perverse that they would change their behaviours knowing in the law that there are at least 2 situations which allow them to raise rents: to catch up, first of all, as we have already heard, that is a specific reason allowed and, of course, when a new tenancy starts they can also re-base their rent at that time. I would say those who are minded to put up rents by inflation every year in response to this law probably overlap significantly with those who would also push their luck with above-inflation rises in the current environment. I do think also, with respect, it is scaremongering to suggest that the Rent Tribunal will be overwhelmed by cases coming to it. Most rents will be set within the inflation cap, as they are now, because R.P.I. is common practice. There will be even more cases where an above-inflation increase will be accepted by the tenant because the landlord will have explained the reasons and they are reasonable and the tenant knows that going to the Rent Tribunal will be a waste of time. But it is right that if an above-inflation rise is proposed that there should be some reason for it and the tenant should know what that is. I say all of that, of course none of it is directly relevant to this amendment. Deputy Andrews asked how I justified not allowing above-inflation rises because it would mean damaging potentially the investment potential of property. I think there are several answers, one of them is that of course above-inflation rises are allowed, as we have heard explained, under several exemptions, but the other point is that capital gain is a key part of why anybody holds property, and so that also needs to be factored in. As I say, the other point is that landlords also know that with a new tenant they can reset the rent as well. Deputy Bailhache asks why did I fix on R.P.I. A glib answer to that is that I did not, the Minister did, but I think the real answer is that R.P.I. is the standard that is used now, as I understand it, throughout most contracts anyway; the difference between the measures is technical. There may be a few occasions when they diverge significantly but overall over time when one rises by a greater amount, another one rises by a smaller amount. Over time the situations reverse and the measures do not massively diverge over a long period. To Deputy Gardiner's point, it is the rent rise, I think, that will have to meet the terms of the law at the point when the law becomes law. I do not think contracts have to be rewritten at that point unless - unless - the contract happens to stipulate above-inflation rent rises, in which case I guess the contract would fall foul of the new law but, with respect, I think it is highly unlikely that many contracts include that clause. Deputy Scott's point I think hinted at vexatious claims, and there will be rules to ensure that vexatious claims to the tribunal are not admissible. As far as Deputy Gorst is concerned, with the greatest respect, I am not going to rise to the bait because the most relevant point he made, I think, in terms of the debate on this amendment was right at the beginning when he said he supports the amendment. The other points I may return to in Third Reading. The reason I brought this really was because the landlords I spoke to all said their number-one concern with this law was the 5 per cent cap. Therefore, it was a relatively simple change to make, offers clarity, it reflects existing practice, it does not do serious damage to the Minister's overall intent and therefore it felt to me an appropriate thing to do. I am encouraged by the fact that nobody in the Assembly, so far at least, seems to have voiced an argument against removing the 5 per cent cap. I will call for the appel.

### **The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the amendment has been adopted unanimously:

|                             |  |                  |  |                   |
|-----------------------------|--|------------------|--|-------------------|
| <b>POUR: 46</b>             |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
| Connétable of St. Helier    |  |                  |  |                   |
| Connétable of St. Lawrence  |  |                  |  |                   |
| Connétable of St. Brelade   |  |                  |  |                   |
| Connétable of Trinity       |  |                  |  |                   |
| Connétable of St. Peter     |  |                  |  |                   |
| Connétable of St. Martin    |  |                  |  |                   |
| Connétable of St. John      |  |                  |  |                   |
| Connétable of St. Clement   |  |                  |  |                   |
| Connétable of Grouville     |  |                  |  |                   |
| Connétable of St. Ouen      |  |                  |  |                   |
| Connétable of St. Mary      |  |                  |  |                   |
| Connétable of St. Saviour   |  |                  |  |                   |
| Deputy G.P. Southern        |  |                  |  |                   |
| Deputy C.F. Labey           |  |                  |  |                   |
| Deputy M. Tadier            |  |                  |  |                   |
| Deputy S.G. Luce            |  |                  |  |                   |
| Deputy L.M.C. Doublet       |  |                  |  |                   |
| Deputy K.F. Morel           |  |                  |  |                   |
| Deputy M.R. Le Hegarat      |  |                  |  |                   |
| Deputy S.M. Ahier           |  |                  |  |                   |
| Deputy R.J. Ward            |  |                  |  |                   |
| Deputy C.S. Alves           |  |                  |  |                   |
| Deputy I. Gardiner          |  |                  |  |                   |
| Deputy I.J. Gorst           |  |                  |  |                   |
| Deputy L.J. Farnham         |  |                  |  |                   |
| Deputy S.Y. Mézec           |  |                  |  |                   |
| Deputy Sir P.M. Bailhache   |  |                  |  |                   |
| Deputy T.A. Coles           |  |                  |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                  |  |                   |
| Deputy D.J. Warr            |  |                  |  |                   |
| Deputy H.M. Miles           |  |                  |  |                   |
| Deputy M.R. Scott           |  |                  |  |                   |
| Deputy J. Renouf            |  |                  |  |                   |
| Deputy C.D. Curtis          |  |                  |  |                   |
| Deputy L.V. Feltham         |  |                  |  |                   |
| Deputy R.E. Binet           |  |                  |  |                   |

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|--------------------------|--|--|--|--|
| Deputy H.L. Jeune        |  |  |  |  |
| Deputy M.E. Millar       |  |  |  |  |
| Deputy A. Howell         |  |  |  |  |
| Deputy T.J.A. Binet      |  |  |  |  |
| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

## **2.3 Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025): fourth amendment (P.24/2025 Amd.(4)) - paragraphs 7, 8, 10, 11(2),11(5)**

### **The Deputy Bailiff:**

We now move on to the final amendment in Second Reading proposed by the Environment, Housing and Infrastructure Scrutiny Panel. I invite the Greffier to read the amendment.

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

Part 7, Article 6. In Article 6, new Part 3A, new Article 7D(4), for “If this paragraph is applied by Order” substitute “If this paragraph is applied by Regulations”. Article 11. In Article 11, new Part 4A, new Article 13B(4)(e), for “unless this requirement is excluded by Order” substitute “unless this requirement is excluded by Regulations”. Part 10. In Article 18(2), delete new Article 23(2)(la) and (ld) and renumber the remaining new sub-paragraphs and cross-references accordingly. Part 11, (2) onwards. Part (2) In Article 19(1), after new Article 24(1)(lc) insert (ld) applying Article 7D(4) (so that certain exceptions to the limit on rent increases are determined by the Rent Tribunal); (le) excluding the requirement in Article 13B(4)(e) (for the Chair and the Deputy Chair of the tribunal to have a qualification in law); (3) Renumber the subsequent new sub-paragraphs and cross-references accordingly. (4) After Article 19(1) insert (2) After Article 24(1) there is inserted (1AA) Before lodging a proposition containing draft Regulations to be made under paragraph (1)(le), the Minister must consult the Judicial Greffier. (5) Renumber the subsequent paragraph of Article 19 accordingly.

### **2.3.1 Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel) of St. John, St. Lawrence and Trinity:**

The first running order, these amendments, A3 and A2, were taken separately. Subsequently, they have been put together because we were advised that if one does not pass, the other falls, but I will talk about them separately now. Amendment A3 is that the Rent Tribunal was designed to be a passive body responding to disputes, not actively regulating the market, and yet the Draft Amendment proposed by the Minister would allow the Minister to expand the tribunal’s remit via order, which could be used to compel landlords to apply to the tribunal before implementing rent increases and rent increase exceptions. This risks transforming the tribunal into a proactive regulator contrary to its intended function. Our amendment removes this order-making power, meaning that any expansion of the tribunal’s remit should come through regulation, ensuring proper scrutiny and preventing mission creep. As amended, the tribunal would remain a passive body and the process for dispute resolution is clear: when a landlord issues a notice of rent increase the tenant has 2 months and 2 weeks from the date of notice to apply to the tribunal if they believe the increase does not comply with the law or if the increase lies incorrectly on one of the exceptions to the rent increase in

limit. This should now be much clearer for tenants to judge after Deputy Renouf's amendment, as increases are now limited to R.P.I. only. It is then up for the tribunal to determine whether the increase is lawful and to rule accordingly. Importantly, there is no criminal offence if a landlord is found to have applied an unlawful increase; it simply means that the increase can be ruled invalid or the tribunal may set an alternative rent. We therefore welcome that the Minister has accepted this amendment and hope that Members will follow suit. Moving to amendment A2, the Rent Tribunal will play a pivotal role in adjudicating disputes and ensuring compliance. It is therefore essential that its Members, particularly the chair and deputy chair, possess appropriate legal qualifications. As it stands, the law allows the Minister to remove this requirement via Ministerial Order and we believe this is inappropriate. Our amendment requires that any change to tribunal member qualifications be made by regulation subject to Assembly approval and only after consultation with the Judicial Greffier. This ensures transparency, preserves judicial standards and protects the tribunal's independence. It is a safeguard against the erosion of competence and it reflects concerns raised by both our expert adviser and the Jersey Landlords Association. We again welcome that the Minister has accepted this amendment and I hope Members will follow suit on both amendments A2 and A3.

**The Deputy Bailiff:**

Thank you, Deputy. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

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

Thank you to the Scrutiny Panel for proposing this amendment. There is always a balance to be struck between going for order-making powers and prioritising perhaps speed in times of necessity or instead going for regulation-making powers and prioritising accountability and scrutiny in that process. The Scrutiny Panel, having looked at these proposals, felt that the balance was better if it was weighed towards regulation-making powers, and I am absolutely fine with that. If that is a safeguard in there that gives Members greater confidence that any potential changes in the future will go through the democratic processes of this Chamber rather than order-making powers, then that is absolutely fine and I am very happy to accept that.

**The Deputy Bailiff:**

Thank you, Minister. Does any other Member wish to speak on the amendment? I call upon Deputy Jeune to reply.

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

I will keep it brief. Thank you to the Minister for laying out his acceptance of this and I call for the appel.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats and I invite the Greffier to open the voting. If all Members have had the chance to cast their votes, I ask the Greffier to close the voting. The amendment has been adopted unanimously:

| <b>POUR: 43</b>             |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|-----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier    |  |                  |  |                   |
| Connétable of St. Lawrence  |  |                  |  |                   |
| Connétable of St. Brelade   |  |                  |  |                   |
| Connétable of Trinity       |  |                  |  |                   |
| Connétable of St. Peter     |  |                  |  |                   |
| Connétable of St. Martin    |  |                  |  |                   |
| Connétable of St. John      |  |                  |  |                   |
| Connétable of St. Clement   |  |                  |  |                   |
| Connétable of Grouville     |  |                  |  |                   |
| Connétable of St. Ouen      |  |                  |  |                   |
| Connétable of St. Mary      |  |                  |  |                   |
| Connétable of St. Saviour   |  |                  |  |                   |
| Deputy C.F. Labey           |  |                  |  |                   |
| Deputy S.G. Luce            |  |                  |  |                   |
| Deputy L.M.C. Doublet       |  |                  |  |                   |
| Deputy M.R. Le Hegarat      |  |                  |  |                   |
| Deputy S.M. Ahier           |  |                  |  |                   |
| Deputy R.J. Ward            |  |                  |  |                   |
| Deputy C.S. Alves           |  |                  |  |                   |
| Deputy I. Gardiner          |  |                  |  |                   |
| Deputy I.J. Gorst           |  |                  |  |                   |
| Deputy L.J. Farnham         |  |                  |  |                   |
| Deputy S.Y. Mézec           |  |                  |  |                   |
| Deputy Sir P.M. Bailhache   |  |                  |  |                   |
| Deputy T.A. Coles           |  |                  |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                  |  |                   |
| Deputy D.J. Warr            |  |                  |  |                   |
| Deputy H.M. Miles           |  |                  |  |                   |
| Deputy M.R. Scott           |  |                  |  |                   |
| Deputy J. Renouf            |  |                  |  |                   |
| Deputy C.D. Curtis          |  |                  |  |                   |
| Deputy L.V. Feltham         |  |                  |  |                   |
| Deputy R.E. Binet           |  |                  |  |                   |
| Deputy H.L. Jeune           |  |                  |  |                   |
| Deputy M.E. Millar          |  |                  |  |                   |
| Deputy A. Howell            |  |                  |  |                   |

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| Deputy T.J.A. Binet      |  |  |  |  |
| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

We now have completed the amendments and return to the Articles as amended in Second Reading. Does any Member wish to speak on the Articles as amended in Second Reading? If no Member wishes to speak on the Articles as adopted, then is the appel called for?

**Deputy I.J. Gorst:**

Can I ask, are all the Articles being taken *en bloc* or can they be taken separately?

**The Deputy Bailiff:**

Well they have been proposed *en bloc*. They are Articles of law so you would be entitled to ask for a particular Article to be considered separately, although you will remember what the proposer said about the consequences. They have been proposed *en bloc* by the proposer but Members will be entitled to ask for Articles to be looked at separately as a law.

**Deputy I.J. Gorst:**

May I do that, Sir, then, please? Article 7A, 7B, 7C, 7D, 7E. I think 7F and 7G could be taken together, please.

**The Deputy Bailiff:**

Is that the whole of Article 7?

**Deputy I.J. Gorst:**

Well, the thing is Article 7 is separate from Article 7A and ...

[10:45]

**The Deputy Bailiff:**

Well Article 7 has gone. Do you mean 7A to 7G inclusive, do you?

**Deputy I.J. Gorst:**

That is correct, Sir, thank you.

**The Deputy Bailiff:**

The new Article 7A to 7G.

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

Sorry, just to confirm, that is the new Article, not the old number? We have been here before.

**The Deputy Bailiff:**

Minister, do you have any observations on permitting there being a separate vote on Article 7A to 7G inclusive?

**Deputy S.Y. Mézec:**



Obviously any Member is entitled to ask that Articles are taken separately but I have mentioned a couple of points during this debate that there is obviously a risk of ending up with a Frankenstein law if particular Articles are not accepted that would detract from the cohesiveness of the law and potentially Articles not being present, undermining the Articles that are left. Obviously I accept Deputy Gorst's right to ask for a separate vote on this but I would highly caution against it because of the vitiating effect it may have.

**The Deputy Bailiff:**

Connétable of St. Lawrence, do you have something to say?

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

I found the last few days quite difficult to follow but I have managed that. What I do not seem to have in front of me is the proposed law as amended. Until I have that, I think I am going to find it very difficult - we are talking about specific Articles - but I really do feel that Members should have in front of them what is being proposed by the Minister as amended. Unless and until I have that, I will not participate in voting. Is that able to be supplied, please?

**The Deputy Bailiff:**

Well that is a matter, I think, for the Minister to respond to in a moment.

**Deputy S.Y. Mézec:**

In which case, a point of order, I suppose, which is would it be appropriate to perhaps propose a brief recess so a consolidated version could be circulated to Members for that purpose.

**The Deputy Bailiff:**

You would need to propose a recess for that purpose. Are Members to content to ... how long would you need realistically to produce this? **[Laughter]** Minister, one solution might be to continue with other items on the agenda and return to this draft law because it may take officers longer than you expect.

**Deputy S.Y. Mézec:**

Indeed, Sir. Could I ask if it is Greffe officers I need to liaise with to obtain that?

**The Deputy Bailiff:**

Yes.

**Deputy S.Y. Mézec:**

Okay, in which case I am happy to propose that we debate other items and come back to this. Thank you.

**The Deputy Bailiff:**

Yes. Are Members content to proceed in that way? We will return to this law once we have a copy indicating precisely where we are in terms of Articles that have been adopted and amended in Second Reading.

### **3. Draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- (P.40/2025)**

**The Deputy Bailiff:**

We now move on to the next item of Public Business, the Draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law, P.40, lodged by the Minister for Justice and Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

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

Draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202-. A law to amend the Police Procedures and Criminal Evidence (Jersey) Law 2003 in relation to children and young people in police detention following the refusal of bail by a Centenier, and to amend the Children (Jersey) Law 2002 for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

### **3.1 Deputy M.R. Le Hegarat (The Minister for Justice and Home Affairs) of St. Helier North:**

I am pleased to bring these amendments before the Assembly today. If approved, they will amend the Police Procedures and Criminal Evidence (Jersey) Law 2003 to allow new options for children and young people being kept in police detention when they cannot be granted bail. The amendments will enable a Centenier to transfer children and young people to suitable accommodation provided by the Minister for Children and Families. The law will also amend the Children (Jersey) Law 2002 to allow the Minister for Children and Families to accommodate those children or young people. When a child or young person aged under 18 is arrested and charged, prior to appearing in court the Centenier must decide where the child or young person is placed. Under the law there is already a presumption of bail, either with or without conditions, and it is the expectation that in most cases children and young people will return to their home. However, there are those relatively rare occasions when a Centenier may feel they need to refuse a child or young person bail and place them in remand until their first appearance in court. As a former police officer, I know that every Centenier tries to avoid refusing a child or young person bail. On occasion it is, however, necessary. The grounds for doing so are outlined in the current law and include a belief that the child or young person is likely to commit an offence or that detention is necessary for their own protection. Once bail is refused, the Centenier currently has limited options. They can either place the child or young person in secure accommodation, in other words, Greenfields, or if Greenfields is not available, the only option is for that child or young person to be placed in a police cell, which I am sure all Members will agree is something we wish to avoid. In other jurisdictions, including the U.K. and Guernsey, there is a further option: to allow a child or young person to be placed in a non-secure accommodation, like a children's home. That is what these amendments will enable. The effect of this amendment would be to require a Centenier to consider transferring a child or young person to suitable non-secure accommodation provided by the Minister for Children and Families. They would be required to do so unless they have reasonable grounds for believing that the suitable accommodation would not adequately prevent the child or young person from, among other things, failing to attend court, injuring themselves, or committing a serious offence. If those risk factors existed, then they would go to the Greenfields, as they do now. On that final point, the threshold for remanding a child or young person to prevent him or her from committing an offence has been raised. Currently, bail can be denied where the Centenier has reasonable grounds for believing the child or young person may commit an offence. The amendment will require that the belief is that a serious offence may be committed. This means that a child or young person cannot be deprived of their liberty on the basis that they may commit a minor offence which would not in itself warrant detention. In my view, that would be disproportionate. These amendments will help to reduce the likelihood of a child or young person's liberty being taken away before they have even been before the court in line with our commitment to the U.N. (United Nations) Convention on the Rights of the Child, which requires that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for that shortest appropriate period of time. I am grateful to the Office of the Children's Commissioner who brought the gap in legislation to the attention of the Government, as well as the engagement of the commissioner and her officers as we have progressed this. I am conscious in making this speech that I have referred to the Minister for Children and Families on several occasions. The Minister takes significant responsibility to make this law operational, and I know that he will want to make a speech to the Assembly on these amendments. Finally, as well as improving P.P.C.E. (Police Procedures and Criminal Evidence) and

Children's Law, these amendments also make a minor change in Article 7 where the pronouns for the Judicial Greffier are gender neutralised. This is another minor but small change in language, and in particular the language of our legislation, to be more equitable and where there is no presumption of gender for a specific role. In this case, of course, the Judicial Greffier is now indeed a woman. Concluding remarks: these are small amendments which will provide a legislative option for Centeniers to use the least restrictive form of remand possible and by doing so reduce the likelihood of a child or young person being deprived of their liberty by being detained in secure accommodation or at the police station. I can only reiterate again, a police station is not suitable accommodation for a young person or child. I therefore ask that the Assembly gives their support to bringing these amendments into force.

### **The Deputy Bailiff:**

Are the principles seconded? **[Seconded]**

#### **3.1.1 Deputy C.D. Curtis of St. Helier Central:**

The Children, Education and Home Affairs Scrutiny Panel supports this proposition, which is to provide a further option for suitable accommodation for children or young people charged with an offence and denied bail. Sometimes Greenfields is not suitable. The panel was concerned though that there may not be any alternative accommodation available, so could the Minister for Justice and Home Affairs or perhaps the Minister for Children and Families explain what progress there has been to ensure capacity in the system, for example, small children's homes or specialist foster care?

#### **3.1.2 Connétable R.P. Vibert of St. Peter:**

I am grateful to the Minister for Justice and Home Affairs for bringing these amendments to the Assembly and I hope Members will give them their full support. As already outlined by the Minister, these amendments do provide an important new option for Centeniers so that children and young people can be accommodated in the least restrictive environment prior to appearing in court. Once in the court system, it is then of course up to the court to consider the conditions of bail and not the Centenier. As a former Centenier, I know it is unusual to refuse a child or young person bail and that in most circumstances they will return home. To remand a child or young person in secure accommodation or, in extreme circumstances, police cells, is something that Centeniers want to avoid if at all possible. There are of course occasions when this is necessary, for example, when there has been an offence within the home and it is not considered safe for the child or young person to return home that evening or where the risk of further offending is significant. Where the risk of further offending is significant, or there are significant concerns or risk to a victim, et cetera, remand to the secure home might be required. However, there will be occasions when a lesser restrictive alternative might be considered. Where the young person waits to appear before the court in such circumstances, the new amendments will allow Children's Services to provide alternative suitable accommodation, which I fully endorse as the Minister for Children and Families. However, delivering the full intent of the new law will take time, as it requires extensive work to develop an alternative accommodation outside of the children's home or indeed outside of our standard children's homes.

[11:00]

That said, the law is an important step that allows for children and young people to be accommodated in a way that avoids secure accommodation where possible and appropriate. With that in mind, I want to assure the Assembly that my officers are already working on developing alternative routes for providing alternative suitable accommodation so the new law can be mobilised. This law already exists in the U.K. where suitable accommodation is provided in the main by commercial organisations who ensure that non-secure beds are available for 365 days a year. County councils pay a fee or a retainer of around £25,000 a year to be allowed to use these facilities. Of course, those facilities do not exist in Jersey. As the Minister for Children and Families, my long-term ambition

is to develop remand foster carers who would be able to offer accommodation for a young person in their home, but we do not have foster carers who are able to do this at the current time. It will take significant time to develop this option as currently we have very few foster carers looking after adolescents and we have not been successful in recruiting carers for adolescents, despite continued recruitment campaigns over the past 2 years. Given the length of time it will take to secure remand foster carers, my office have started to explore alternative routes which can provide such accommodation. The plan is to develop a non-secure children's home option which would provide an emergency bed for young people and accommodation for the carer for those children who need to come into care in an emergency. As I have said, it is not suitable to place a young person into a children's home in an emergency without notice where other young people are already currently living. That may cause problems with introducing an additional child at short notice and would disrupt the young people already living there. Also, it is quite possible that there would not be beds available in those children's homes and the bed in question needs to be available 365 days a year. Actions to develop a new emergency bed are being developed but, as I have said, will take time. We have identified a suitable property but any such arrangements will need to be registered with the regulator, the Jersey Care Commission. The new arrangement will also need to be staffed and the staffing will come from our own existing staff at this time. As I have said, the remand foster carer option cannot be developed due to a shortage of foster carers of the right type. In conclusion, the amendments brought by Justice and Home Affairs have my full support. They are a real and positive legislation step, ensuring we avoid depriving children and young people of their liberty whenever possible. I intend to work with my officers to help ensure that we can operationally provide the accommodation within the first half of 2026.

**The Deputy Bailiff:**

Thank you, Connétable. Does any other Member wish to speak on the principles? I call upon the Minister to reply.

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

I thank the 2 speakers. As the Minister for Children and Families has explained, this is ongoing work and his department will have this accommodation ready and available as quickly as possible. I would therefore like to call for the appel.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. Members are voting on the principles of the draft law and I invite the Greffier to open the voting. If all Members have had the chance to cast their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted unanimously:

|                             |  |                  |  |                   |
|-----------------------------|--|------------------|--|-------------------|
| <b>POUR: 42</b>             |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
| Connétable of St. Helier    |  |                  |  |                   |
| Connétable of St. Lawrence  |  |                  |  |                   |
| Connétable of St. Brelade   |  |                  |  |                   |
| Connétable of Trinity       |  |                  |  |                   |
| Connétable of St. Peter     |  |                  |  |                   |
| Connétable of St. Martin    |  |                  |  |                   |
| Connétable of St. John      |  |                  |  |                   |
| Connétable of St. Clement   |  |                  |  |                   |
| Connétable of Grouville     |  |                  |  |                   |
| Connétable of St. Ouen      |  |                  |  |                   |
| Connétable of St. Mary      |  |                  |  |                   |
| Connétable of St. Saviour   |  |                  |  |                   |
| Deputy G.P. Southern        |  |                  |  |                   |
| Deputy C.F. Labey           |  |                  |  |                   |
| Deputy M. Tadier            |  |                  |  |                   |
| Deputy L.M.C. Doublet       |  |                  |  |                   |
| Deputy M.R. Le Hegarat      |  |                  |  |                   |
| Deputy S.M. Ahier           |  |                  |  |                   |
| Deputy R.J. Ward            |  |                  |  |                   |
| Deputy C.S. Alves           |  |                  |  |                   |
| Deputy I. Gardiner          |  |                  |  |                   |
| Deputy I.J. Gorst           |  |                  |  |                   |
| Deputy L.J. Farnham         |  |                  |  |                   |
| Deputy Sir P.M. Bailhache   |  |                  |  |                   |
| Deputy T.A. Coles           |  |                  |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                  |  |                   |
| Deputy D.J. Warr            |  |                  |  |                   |
| Deputy H.M. Miles           |  |                  |  |                   |
| Deputy M.R. Scott           |  |                  |  |                   |
| Deputy J. Renouf            |  |                  |  |                   |
| Deputy C.D. Curtis          |  |                  |  |                   |
| Deputy L.V. Feltham         |  |                  |  |                   |
| Deputy R.E. Binet           |  |                  |  |                   |
| Deputy H.L. Jeune           |  |                  |  |                   |
| Deputy A. Howell            |  |                  |  |                   |
| Deputy T.J.A. Binet         |  |                  |  |                   |

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| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

**The Deputy Bailiff:**

Deputy Curtis, does your panel wish to scrutinise this matter?

**Deputy C.D. Curtis (Chair, Children, Education and Home Affairs Scrutiny Panel) of St. Helier Central:**

No, Sir.

**The Deputy Bailiff:**

Before we move on to the Second Reading, I would like to ask Members a question about the Residential Tenancy Law. Would Members be assisted by a copy of the Minister's Amendment Law as amended in Second Reading or the original 2011 law as amended? I ask that question because they are different documents obviously and both would be time-consuming to produce. I can say that I have been favoured because I asked for one with a copy of the original law as amended and it is quite helpful to see all the changes laid out. Obviously that only contains the amendments before the debates, but I do not have what you are looking for. Do Members want - you have raised it, of course, the Connétable of St. Lawrence - the Amendment Law as amended or the original law showing all the amendments? What is it that Members would appreciate?

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

Can I just say that I have also been working off a copy of the original law with the amendments that the Minister proposed and I have also found it extremely useful. I think maybe that would be easier because it is already produced to adapt it in the areas where it has then been amended on top of that by the last day. It potentially would be easier than just seeing the Minister's amendments.

**The Deputy Bailiff:**

Are Members content with that? I think that is the general view. All right. Thank you very much. Returning to the Children and Young People (Place of Police Detention) Draft Law, Minister, how do you propose the Articles in Second Reading?

**3.2 Deputy M.R. Le Hegarat of St. Helier North:**

I would like to take the amendments *en bloc*. This is a short amendment law and if passed will amend both the Police Procedures and Criminal Evidence (Jersey) Law 2003 and Children (Jersey) Law 2002.

**The Deputy Bailiff:**

Thank you, Minister. Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles in Second Reading? In that case, all those in favour, kindly show. Those against? The Articles are adopted in Second Reading. Minister, do you propose the matter in Third Reading?

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

Yes, please.

**The Deputy Bailiff:**

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Second Reading in Third Reading?

**3.3.1 Connétable M. Labey of Grouville:**

I just wanted to pay tribute really to all the Honorary Police Officers around the Island, and especially the Centeniers who have the burden of these sorts of decisions. As the vice-chair of the Scrutiny Panel I fully support this, so I would just like to put that on file as a thank you to all Centeniers who deal with the youth justice around the Island. **[Approbation]**

**3.3.2 Deputy P.M. Bailhache of St. Clement:**

It is just a short, practical question, really. The law provides that Article 15 comes into force 7 days after registration. I wanted to ask the Minister for Children and Families, really, whether there are at the moment places where children can be placed if a Centenier decides that it is appropriate for them to be detained somewhere?

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? I call upon the Minister to reply.

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

In actual fact, the Deputy rightly says that it is the Minister for Children and Families who is responsible for the accommodation in relation to this. As the Minister said, they are looking for alternatives of the accommodation because it is a very important part. The law has been flawed and, yes, we are aware that it will come into force in 7 days but it was important to get this legislation lodged. It was ready to go so we have moved forward with it. Obviously, we would hopefully, as soon as the law is in place in 7 days, be able to provide that accommodation, and that is our expectation. As I said, we wanted to do this, we wanted to ensure that this law was in place. I would also like to, like the Connétable of Grouville, thank Centeniers for the work that they do and particularly in relation to this area. I would also like to thank the Scrutiny Panel for their support. This is an exceptionally important piece of legislation. I know we have moved through it fairly swiftly today but I think that just really shows that this is important and it is definitely not contentious.

**The Deputy Bailiff:**

Is the appel called for?

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

Yes, please.

**The Connétable of St. Peter:**

Would I be allowed to clarify something that the Minister said?

**The Deputy Bailiff:**

Will you take a point of clarification?

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

Yes, Sir.

**The Connétable of St. Peter:**

Yes, it is simply regarding the availability of the accommodation within 7 days. We do not anticipate that that will be the case. In fact, I have spoken with the Attorney General, and as a temporary measure he will issue a directive advising Centeniers that the option is not available until we are able

to confirm the accommodation is available. The law will be there but the option will not be available until the accommodation is available.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats and I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading:



|                             |  |                           |  |                   |
|-----------------------------|--|---------------------------|--|-------------------|
| <b>POUR: 41</b>             |  | <b>CONTRE: 1</b>          |  | <b>ABSTAIN: 0</b> |
| Connétable of St. Helier    |  | Deputy Sir P.M. Bailhache |  |                   |
| Connétable of St. Lawrence  |  |                           |  |                   |
| Connétable of St. Brelade   |  |                           |  |                   |
| Connétable of Trinity       |  |                           |  |                   |
| Connétable of St. Peter     |  |                           |  |                   |
| Connétable of St. Martin    |  |                           |  |                   |
| Connétable of St. John      |  |                           |  |                   |
| Connétable of St. Clement   |  |                           |  |                   |
| Connétable of Grouville     |  |                           |  |                   |
| Connétable of St. Ouen      |  |                           |  |                   |
| Connétable of St. Mary      |  |                           |  |                   |
| Connétable of St. Saviour   |  |                           |  |                   |
| Deputy C.F. Labey           |  |                           |  |                   |
| Deputy M. Tadier            |  |                           |  |                   |
| Deputy L.M.C. Doublet       |  |                           |  |                   |
| Deputy K.F. Morel           |  |                           |  |                   |
| Deputy M.R. Le Hegarat      |  |                           |  |                   |
| Deputy S.M. Ahier           |  |                           |  |                   |
| Deputy R.J. Ward            |  |                           |  |                   |
| Deputy C.S. Alves           |  |                           |  |                   |
| Deputy I. Gardiner          |  |                           |  |                   |
| Deputy I.J. Gorst           |  |                           |  |                   |
| Deputy L.J. Farnham         |  |                           |  |                   |
| Deputy S.Y. Mézec           |  |                           |  |                   |
| Deputy T.A. Coles           |  |                           |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                           |  |                   |
| Deputy D.J. Warr            |  |                           |  |                   |
| Deputy H.M. Miles           |  |                           |  |                   |
| Deputy M.R. Scott           |  |                           |  |                   |
| Deputy J. Renouf            |  |                           |  |                   |
| Deputy C.D. Curtis          |  |                           |  |                   |
| Deputy R.E. Binet           |  |                           |  |                   |
| Deputy H.L. Jeune           |  |                           |  |                   |
| Deputy M.E. Millar          |  |                           |  |                   |
| Deputy A. Howell            |  |                           |  |                   |
| Deputy T.J.A. Binet         |  |                           |  |                   |

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| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

#### **4. Draft Children and Civil Status (Consequential Amendments) (Jersey) Amendment No. 2 Regulations 202- (P.55/2025)**

##### **The Deputy Bailiff:**

The next item, P.53, I understand has been deferred by the Minister for the Environment. The next item of public business is the Draft Children and Civil Status (Consequential Amendments) (Jersey) Amendment No. 2 Regulations lodged by the Minister for Children and Families. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

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

Draft Children and Civil Status (Consequential Amendments) (Jersey) Amendment No. 2 Regulations 202-. The States make these Regulations under Article 82A of the Children (Jersey) Law 2002 and Article 82 of the Marriage and Civil Status (Jersey) Law 2001.

##### **The Deputy Bailiff:**

The Minister will propose the principles.

##### **4.1 Connétable R. Vibert of St. Peter (The Minister for Children and Families):**

The Children and Civil Status Law and supporting package of legislation has been described as one of the most complex legislative drafting projects undertaken in recent years. It has intersected every aspect of legislation determining parents' relationships to their children and their rights and responsibilities. Members will by now be familiar with the policy objectives of this legislation, which aims to provide legal recognition and parental responsibility for individuals undergoing fertility treatment, those forming families through surrogacy arrangements and same-sex parents. Jersey has historically lagged behind the U.K. in recognising these family structures. This legislative package represents a significant step forward, achieving in a single package many aspects of legislation that the U.K. implemented gradually over the past 4 decades following the introduction of I.V.F. (in vitro fertilisation), surrogacy and legal recognition of same-sex unions. Against this background, I present a final set of consequential regulations to help support some small, but nevertheless important, technical aspects of the Children and Civil Status Law.

[11:15]

These additional amendments were identified during the policy development for the abolition of Legitimacy Law. They introduce no new policies and merely support the original policy intentions of the Children and Civil Status Law. The amendments fall into 3 key areas: firstly, the regulations add new routes to registration for parents who die before their child's conception when they have consented to fertility treatment, such as the use of frozen embryos. This change ensures that a deceased parent can officially be recorded, supporting the child's sense of identity as they grow into adulthood. The parent will be recorded for registration purposes only with no right of succession. This safeguard prevents retrospective claims on the deceased parent's estate, which may have been settled long before the child was conceived. Secondly, we are strengthening a number of provisions

to ensure that parents who have obtained overseas orders equivalent to Jersey parental orders are treated on more equal terms. This will primarily benefit parents with U.K. parental orders, which our legislation is designed to reflect. In line with our commitment to family-friendly policies, these changes will enable eligible parents to access parental benefits and leave. We are also amending the definition of “via parental order” across several pieces of legislation, ensuring consistency with the interpretations set out in the primary Children and Civil Status Law. Furthermore, we will shortly publish comprehensive surrogacy guidance setting out clear protections for intended parents, surrogates and children in Jersey, grounded in best practice for surrogacy in the U.K. and developed in conjunction with operational departments. This guidance will play a key role in supporting the implementation of Jersey parental orders. Thirdly, with the proposed abolition of legitimacy and the introduction of new more inclusive routes to parenthood, we are witnessing a shift in how the law recognises parents and modern families. As a direct consequence, the concept of domicile of dependence has required codifying in statutory legislation. Domicile of dependence is the principle by which a child derives their legal home from their parents. At present this is governed by customary law and whether a child whose parents are in a mixed-sex marriage is legitimate. As this legislative package abolishes the concept of legitimacy and recognises new routes to parenthood, parts of this customary framework are no longer applicable and thus creates uncertainty. Considering the new legal framework for parents, it has been necessary to clarify the existing position of a child gaining domicile of dependence from their parents in statutory legislation. Only one small change has been made so that children born in mixed-sex couples who are in a civil partnership will gain their father’s domicile in the same way that children of mixed-sex married couples do. This aligns marriage and civil partnership. These consequential regulations are exactly that, direct consequential amendments, and they do not seek to rewrite the concept of domicile but rather to provide certainty for all children once the new legal changes take place. This is not a debate on the broader concept of domicile, this is outside of the scope of the consequential regulations; we would simply harmonise the traditional framework with new legal changes. Transforming domicile of dependence would require extensive consultation engagement with legal experts, families and stakeholders. Domicile is an important legal concept with implications for succession and taxation. Any changes would require very careful consideration. What we are doing today is necessary and more focused, more immediate. We are ensuring that no child is left in legal limbo because of the way they came into the world. I would also like to take this opportunity to provide a brief update on the commencement of the Children and Civil Service Status Law. Over the summer, officers have been working closely with operational departments to plan for a smooth implementation of the new legislation later this autumn. New court rules and application forms have been drafted and updated processes have been developed to support readiness across the system. Staff will receive the necessary training guidance in coming weeks. Once I have signed the Ministerial Order confirming commencement date, we will launch a co-ordinated communications campaign targeting families, community groups and the wider public. This campaign will ensure that families are clearly informed about the changes and understand how they may be effective and know what steps they may need to take. This law has been a long time in development and many years in coming. It represents a significant milestone in modernising Jersey’s legal framework for families recognising the diversity of modern family life and enshrining fundamental rights across the community. I hope all Members will find they are able to support it. I propose the principles.

#### **The Deputy Bailiff:**

Thank you, Minister. Are the principles seconded? [**Seconded**]

#### **4.1.1 Deputy C.D. Curtis of St. Helier Central:**

The Children, Education and Home Affairs Panel welcomes the continuation of putting into practice the Children and Civil Status Law. This has been a huge piece of work which means a lot to many

families. We would like to acknowledge the amount of work that has gone into this and thank officers for their extensive briefings.

#### **4.1.2 Deputy L.M.C. Doublet of St. Saviour:**

It is really good to have the next stage of this legislation before us today. I just had a few brief points. I wanted to thank the chair of the Scrutiny Panel as well because the comments that they produced were quite detailed. I was able to have a look at those and have a brief discussion with members of the panel and the chair herself about a point that I had identified. Now, I do not feel strongly enough about this point to delay the legislation or to vote against it. I think, as much as the Minister himself understands that there are some necessary compromises to be made in order to bring this law forward as quickly as possible, I wanted for the record just to note the new Article 75AA and 75AB ... and again the chair of the Scrutiny Panel mentioned these. I know that her panel raised this issue as well and I think came to the same conclusion as I that it is not creating equality by changing the default domicile from the mother to the father in mixed-sex civil partnerships. It is in fact entrenching an existing inequality but I do understand why the Minister has had to do this on this occasion. I wanted to flag that because culturally of course the reason why we granted mixed-sex civil partnerships to those couples is because they may not want to enter into the institution of marriage and may instead prefer a civil partnership. I do not support the rationale behind making civil partnerships identical to marriages for that reason because I think many couples may wish them to be slightly different, and this may be one of the things that they would have liked to be slightly different from a marriage. I will leave that one there and I will not be voting against those Articles. The Minister mentioned communications. I understand that he has a communications plan but I would urge him not to wait to communicate because the communication does need to be happening already. There are families who will have understood that we are debating some consequential amendments today, and they will be confused and perhaps thinking that the law is coming into force. I have raised this point before and I know the Minister is receptive to this. If he could please communicate more frequently and sooner so that people are not just waiting to hear. Any information and any small clarifications is better than radio silence. Could he also clarify the likely date? I know he has mentioned later this autumn but if he could refine that just a little, even if it later changes, understandably, due to the work needed on the law. Just some clarity and more precision around even which month he is aiming for would be helpful to the families. I think that is everything I had to say about that but, yes, thank you to the Minister. I am pleased to see that this is ongoing. I did have one more. The comments from the panel when I read them, there was a detail there that they said when they were briefed by the Minister that the Minister had said the Rules of Court were still in process. Now it was my understanding that those Rules of Court had already been finalised. Could the Minister just update the Assembly as to whether that particular step has been finalised? If it has not, how much more time is needed on that step in order to be ready for the law to be in force? Also, if the Minister could just identify what he believes to be the biggest risk at the moment in terms of any further work that might need to be done that might push the date slightly.

#### **4.1.3 Deputy M.R. Ferey of St. Saviour:**

I will deliver my speech now because it does address some of the points that Deputy Doublet has just raised. I rise in support of this amendment which introduces a small number of consequential amendments necessary to support the implementation of the Children and Civil Status Law. These amendments do not include any new policy changes; rather they ensure the policies contained in the primary legislation are enacted throughout the Jersey Statute Book. The regulations before us today are technical and necessary adjustments to support the smooth implementation of the law. As Members will be aware, the Children and Civil Status Law, supported by the abolition of Legitimacy Law represents a significant and progressive step in modernising our family law framework, improving parental rights. Firstly, these regulations add some routes to the Marriage and Civil Status Law to register deceased parents who have died before their children are conceived via fertility

treatment from frozen embryos. Secondly, these consequential regulations improve the recognition of orders from other jurisdictions with an effect corresponding to the Jersey parental order. These will primarily be parental orders granted under the U.K. Human Fertilisation and Embryology Act 2008 which our legislation works alongside. I would like to take this opportunity to explain why it is important for the regulations to include provisions that formally set out a child's domicile of dependence. Under Jersey's customary law, a child's domicile has traditionally been tied to their legitimacy and, by extension, to the marital status of their parents. This has determined whether the child inherits the domicile of the father or the mother. With the abolition of legitimacy, part of this customary framework will be removed, creating potential uncertainty for families. These amendments are therefore necessary and purely consequential. They do not aim to reform the domicile framework itself but rather to place the existing customary rules for determining a child's domicile of dependence on a statutory basis. In essence, we are codifying the current customary position with only one minor adjustment, aligning the treatment of a child or children of mixed-sex married couples and civil partners. This change decouples the link between a child's domicile and a now abolished concept of legitimacy, ensuring that domicile is determined based on the legal union of their parents rather than outdated legal statuses. Let me be clear, these amendments do not introduce a new model for determining domicile of dependence. Domicile is a significant legal concept, particularly in relation to succession and taxation, and any broader reform would need to be carefully and comprehensively considered with further policy development and consultation. Our approach has been to provide clarity and legal certainty without making substantive changes. Any case for reviewing Jersey's Domicile Law in the future is a separate matter and lies outside of the scope of these regulations.

[11:30]

What we are doing today is ensuring that once legitimacy is abolished and new routes to parenthood are added, our laws remain coherent, consistent and operable. Without these amendments we would risk creating legal uncertainty. I urge Members to support these regulations, which form the final component of the Children and Civil Status legislative package. This marks a major step forward in the modernisation of Jersey's family law, aligning it with the profound changes in medical technology and family structures that have taken place over the last 40 years.

#### **4.1.4 The Connétable of St. Peter:**

I thank all Members for their contributions, and I thank my Assistant Minister for covering the areas of domicile and giving clarity. I would also thank Deputy Doublet for her understanding about why there has had to be a compromise there, and that we cannot look at the whole area and revisit the whole area of domicile at this time. I was asked what I consider the greatest risk to be at current and I think the greatest risk today is probably the fact that there has been a Cabinet reshuffle in the U.K. We are aiming for a date of the last week in November for the law to be in place, but we do believe that the Cabinet reshuffle might cause some delay with the Privy Council. We will have to wait and see if that is the case. I would therefore ask for the appel.

#### **The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats ...

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

Sir, can I ask a point of clarification?

#### **The Deputy Bailiff:**

Yes.

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

I thank the Minister for all the answers that he has just given the Assembly, but could he clarify about the Rules of Court? I am sorry if I missed it; I am not sure if he answered my question about whether they were completed or not.

**The Connétable of St. Peter:**

Yes, my understanding is that the Rules of Court are in draft form at the moment. I would have to check with the office if there is still the potential for any changes there. I am doubtful that is the case, but I am quite happy to send an update to the Deputy.

**The Deputy Bailiff:**

Thank you, Minister. I invite the Greffier to open the voting on the principles. All Members have had the opportunity of casting their votes. I will ask the Greffier to close the voting. I can now announce that the principles have been adopted unanimously:

|                            |  |                  |  |                   |
|----------------------------|--|------------------|--|-------------------|
| <b>POUR: 43</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
| Connétable of St. Helier   |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Saviour  |  |                  |  |                   |
| Deputy M. Tadier           |  |                  |  |                   |
| Deputy S.G. Luce           |  |                  |  |                   |
| Deputy L.M.C. Doublet      |  |                  |  |                   |
| Deputy K.F. Morel          |  |                  |  |                   |
| Deputy M.R. Le Hegarat     |  |                  |  |                   |
| Deputy S.M. Ahier          |  |                  |  |                   |
| Deputy R.J. Ward           |  |                  |  |                   |
| Deputy C.S. Alves          |  |                  |  |                   |
| Deputy I. Gardiner         |  |                  |  |                   |
| Deputy I.J. Gorst          |  |                  |  |                   |
| Deputy L.J. Farnham        |  |                  |  |                   |
| Deputy S.Y. Mézec          |  |                  |  |                   |
| Deputy Sir P.M. Bailhache  |  |                  |  |                   |
| Deputy T.A. Coles          |  |                  |  |                   |
| Deputy D.J. Warr           |  |                  |  |                   |
| Deputy H.M. Miles          |  |                  |  |                   |
| Deputy M.R. Scott          |  |                  |  |                   |
| Deputy J. Renouf           |  |                  |  |                   |
| Deputy C.D. Curtis         |  |                  |  |                   |
| Deputy L.V. Feltham        |  |                  |  |                   |
| Deputy R.E. Binet          |  |                  |  |                   |
| Deputy H.L. Jeune          |  |                  |  |                   |
| Deputy M.E. Millar         |  |                  |  |                   |
| Deputy A. Howell           |  |                  |  |                   |

|                          |  |  |  |  |
|--------------------------|--|--|--|--|
| Deputy T.J.A. Binet      |  |  |  |  |
| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

Deputy Curtis, does your panel wish to scrutinise this matter?

**Deputy C.D. Curtis (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No, Sir.

**The Deputy Bailiff:**

Thank you, Deputy. Minister, how do you propose the regulations?

**4.2 The Connétable of St. Peter:**

*En bloc*, Sir.

**The Deputy Bailiff:**

Thank you. Are the regulations seconded? **[Seconded]**

**The Deputy Bailiff:**

Does anyone wish to speak on the regulations in Second Reading?

**4.2.1 Deputy P.M. Bailhache of St. Clement:**

I rise only to point out to the Minister a small typographical mistake in Regulation 6 on page 10, 75AB “Domicile of child conceived in Circumstance B”. In paragraph 1(b), it reads: “conceived naturally and born to parents who are not married to or a civil partnership” and I think the word “in” is missing.

**The Deputy Bailiff:**

As Members know, there is a Standing Order allowing minor corrections in Third Reading, and that will be corrected at that stage. Does any other Member wish to speak on the regulations? I call upon the Minister to reply.

**4.2.2 The Connétable of St. Peter:**

As we are aware, this marks the final piece of legislation under the Children and Civil Status project, a complex and long-awaited reform. With it, Jersey’s laws will reflect the realities of modern families, ensuring equal recognition for families formed through fertility treatment, surrogacy and affirming the parental rights of same-sex couples. I want to pay tribute to the families who have campaigned tirelessly and waited many, many years for this moment, and also to Scrutiny for their valuable work. Your voices have helped to shape the change. I thank Members for their support. This is a landmark step forward to children’s U.N.C.R.C. (United Nations Convention on the Rights of the Child) rights and I reaffirm my full commitment to commencing this legislation by Ministerial Order in the coming months.

**The Deputy Bailiff:**



The appel has been called for by Deputy Doublet. I invite Members to return to their seats and the Greffier to open the voting. All Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. I can announce that the regulations have been adopted unanimously:

|                             |  |                  |  |                   |
|-----------------------------|--|------------------|--|-------------------|
| <b>POUR: 44</b>             |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
| Connétable of St. Helier    |  |                  |  |                   |
| Connétable of St. Lawrence  |  |                  |  |                   |
| Connétable of St. Brelade   |  |                  |  |                   |
| Connétable of Trinity       |  |                  |  |                   |
| Connétable of St. Peter     |  |                  |  |                   |
| Connétable of St. Martin    |  |                  |  |                   |
| Connétable of St. John      |  |                  |  |                   |
| Connétable of St. Clement   |  |                  |  |                   |
| Connétable of Grouville     |  |                  |  |                   |
| Connétable of St. Ouen      |  |                  |  |                   |
| Connétable of St. Mary      |  |                  |  |                   |
| Connétable of St. Saviour   |  |                  |  |                   |
| Deputy C.F. Labey           |  |                  |  |                   |
| Deputy M. Tadier            |  |                  |  |                   |
| Deputy S.G. Luce            |  |                  |  |                   |
| Deputy L.M.C. Doublet       |  |                  |  |                   |
| Deputy K.F. Morel           |  |                  |  |                   |
| Deputy M.R. Le Hegarat      |  |                  |  |                   |
| Deputy S.M. Ahier           |  |                  |  |                   |
| Deputy R.J. Ward            |  |                  |  |                   |
| Deputy C.S. Alves           |  |                  |  |                   |
| Deputy I. Gardiner          |  |                  |  |                   |
| Deputy I.J. Gorst           |  |                  |  |                   |
| Deputy L.J. Farnham         |  |                  |  |                   |
| Deputy S.Y. Mézec           |  |                  |  |                   |
| Deputy Sir P.M. Bailhache   |  |                  |  |                   |
| Deputy T.A. Coles           |  |                  |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                  |  |                   |
| Deputy D.J. Warr            |  |                  |  |                   |
| Deputy H.M. Miles           |  |                  |  |                   |
| Deputy M.R. Scott           |  |                  |  |                   |
| Deputy J. Renouf            |  |                  |  |                   |
| Deputy C.D. Curtis          |  |                  |  |                   |
| Deputy L.V. Feltham         |  |                  |  |                   |
| Deputy R.E. Binet           |  |                  |  |                   |
| Deputy H.L. Jeune           |  |                  |  |                   |

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|--------------------------|--|--|--|--|
| Deputy A. Howell         |  |  |  |  |
| Deputy T.J.A. Binet      |  |  |  |  |
| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

Minister, do you wish to propose the matter in Third Reading?

#### **4.3 The Connétable of St. Peter:**

I do, Sir.

##### **The Deputy Bailiff:**

Do you wish to propose that ... I accept, under Standing Order 75, that there needs to be an amendment in the way described by Deputy Bailhache to 75AB adding the word “in” before “a civil partnership”?

##### **The Connétable of St. Peter:**

I accept that Sir, yes, and I thank the Deputy for bringing that to our attention.

##### **The Deputy Bailiff:**

Yes. Is the matter seconded at Third Reading? **[Seconded]** Does anyone wish to speak on the Articles as adopted?

#### **4.3.1 Connétable M.A. Labey of Grouville:**

I stand to thank the officers. At our final briefing from the law officers, the iteration that they were on at that time was iteration 127. I almost felt, at that time, that the gentleman concerned needed a hug and I offered him that. It was a huge body of work, and I congratulate all the officers and the law officers for getting this done. It is a major step forward, and I thank the Minister for all his briefings.

##### **The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? I call upon the Minister to reply.

#### **4.3.2 The Connétable of St. Peter:**

There is little more that I can say, other than to thank everybody involved: the officers, Scrutiny. I would also like to thank Liberate for their important contribution. I also thank all Members for their support. As I say, it has been a long time coming but we are now here.

##### **The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats and I invite the Greffier to open the voting. All Members have had the chance to cast their votes. I ask the Greffier to close the voting. I can announce that the regulations have been adopted unanimously:

| <b>POUR: 44</b>             |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|-----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier    |  |                  |  |                   |
| Connétable of St. Lawrence  |  |                  |  |                   |
| Connétable of St. Brelade   |  |                  |  |                   |
| Connétable of Trinity       |  |                  |  |                   |
| Connétable of St. Peter     |  |                  |  |                   |
| Connétable of St. Martin    |  |                  |  |                   |
| Connétable of St. John      |  |                  |  |                   |
| Connétable of St. Clement   |  |                  |  |                   |
| Connétable of Grouville     |  |                  |  |                   |
| Connétable of St. Ouen      |  |                  |  |                   |
| Connétable of St. Mary      |  |                  |  |                   |
| Connétable of St. Saviour   |  |                  |  |                   |
| Deputy C.F. Labey           |  |                  |  |                   |
| Deputy M. Tadier            |  |                  |  |                   |
| Deputy S.G. Luce            |  |                  |  |                   |
| Deputy L.M.C. Doublet       |  |                  |  |                   |
| Deputy K.F. Morel           |  |                  |  |                   |
| Deputy M.R. Le Hegarat      |  |                  |  |                   |
| Deputy S.M. Ahier           |  |                  |  |                   |
| Deputy R.J. Ward            |  |                  |  |                   |
| Deputy C.S. Alves           |  |                  |  |                   |
| Deputy I. Gardiner          |  |                  |  |                   |
| Deputy I.J. Gorst           |  |                  |  |                   |
| Deputy L.J. Farnham         |  |                  |  |                   |
| Deputy S.Y. Mézec           |  |                  |  |                   |
| Deputy Sir P.M. Bailhache   |  |                  |  |                   |
| Deputy T.A. Coles           |  |                  |  |                   |
| Deputy B.B. de S.V.M. Porée |  |                  |  |                   |
| Deputy D.J. Warr            |  |                  |  |                   |
| Deputy H.M. Miles           |  |                  |  |                   |
| Deputy M.R. Scott           |  |                  |  |                   |
| Deputy J. Renouf            |  |                  |  |                   |
| Deputy C.D. Curtis          |  |                  |  |                   |
| Deputy L.V. Feltham         |  |                  |  |                   |
| Deputy R.E. Binet           |  |                  |  |                   |
| Deputy H.L. Jeune           |  |                  |  |                   |

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

## **5. Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025)**

### **The Deputy Bailiff:**

The next item is the Draft Elections (Senators) (Jersey) Amendment Law, lodged by the Privileges and Procedures Committee. I ask the Greffier to read the citation.

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

Draft Elections (Senators) (Jersey) Amendment Law 202-. A law to amend the Constitution of the States and to provide for the election of Senators and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

### **The Deputy Bailiff:**

I call upon the chair of P.P.C. to propose the principles.

### **5.1 Deputy S.M. Ahier of St. Helier North (Chair of Privileges and Procedures Committee):**

P.P.C. is bringing forward this legislation as a result of this Assembly's decision in March 2025 to adopt P.2 Re-instatement of Senators. The committee, its officers and especially the legislative drafter worked at speed to bring this legislation forward so that it can be debated today and be in force in time for the 2026 elections. This was not as straightforward as some Members may have believed. The various changes made to the Elections Law in 2021 meant that it was not simply a case of inserting the word "Senator" into the existing law anywhere that "Deputies" and "Connétables" were mentioned. The drafting process was very complex, as can be seen by the length of the draft law. It is incumbent upon me as chair of P.P.C. to bring forward this law change. It is well known what my personal opinions on the return of Senators are, so I will attempt to remain as neutral as possible when making comments, which may be misinterpreted as being brought by myself rather than by my committee. Since we have a long debate ahead of us, I will leave my opening remarks there. Therefore, I make the proposition.

### **The Deputy Bailiff:**

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

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

I would also like to thank P.P.C., the Greffe and the Law Drafting Office for all their work in bringing forward this legislation today. I was clearly, as you will know, one of the ones who thought it would all have been very straightforward, and I do appreciate the work that has been involved in bringing it together. I am grateful personally, and I am sure that everyone else who supported it is also grateful for their efforts. After the debate in March, I received a huge amount of feedback from members of the public. People emailed me; I had phone calls; I met people who were universally, I would say, pleased that the Island-wide mandate was returning. The day after the debate, I spoke with a

journalist who said to me that she did not often have members of the public speaking to her about things that were happening generally but on that morning alone 3 people had come up and said: “Is it not great that we have got Senators and the Island-wide mandate coming back?” She said she felt there was a real lift - a little morale boost - in town from people. Not everybody will agree, but members of the public were very happy with that decision, and I think it is important. The public think that they will be voting for Senators come 7th June next year, and I think we would be very ill-advised as an Assembly to do anything that disappoints them. I remember in the debate in March someone saying: “Oh, this is all about old Jersey.” This is not about old Jersey. Many of the people who participated in the discussions that we had last year were older, but people of all age groups have said to me that they are pleased this is happening. I am also not going to say a great deal on the basis of ... I do think the public think this is going to happen and they will be very, very disappointed in this Assembly if we do anything ... several Members spoke yesterday about wrecking amendments. I do hope that those Members who criticised Deputy Bailhache will bear that in mind before bringing any wrecking speeches of their own. The public expect this to happen and, as an Assembly, I think we are duty bound to deliver to them what they think we have agreed in March. I can only encourage everybody to support the proposition.

### **5.1.2 Connétable A.N. Jehan of St. John:**

It looks as though I am going to disappoint one of my district Deputies. It can be a very lonely place, sat on these Benches here. Since I have been elected, I have continually supported my constituents by supporting the result of the referendum in 2013. I do so because we asked the public what they thought, and 81 per cent voted for change and that change did not include Senators.

[11:45]

Yes, the turnout was low, probably because most people are not interested in what we are called; they are far more interested in what we do. Of course, some Members have never accepted the result of that ballot and have continued to vote against its outcome at every opportunity. How many people did not vote in 2014 following this Assembly’s refusal to adopt the results of the referendum? My anecdotal evidence - and I was involved in many campaigns - would suggest far more than 3 per cent. That was not just people who voted for option B; people who voted for A and C accepted the result, but they were very angry about the refusal of this Assembly to adopt it. People said that not enough people voted. I remind Members that in the 2016 Senatorial by-election, only 12,200 people voted; 4,000 more people voted in the referendum. Imagine if we had put as much effort into online voting, postal voting, changing polling stations. These efforts surely would have resulted in higher turnouts next year. Opinion surveys suggest that the reasons for the low turnout are mainly genuine negative attitude towards the political system in Jersey. The main reasons given for people not voting in the 2022 election were as follows: 30 per cent of respondents said it would not have made a difference, and I wonder how many of those voted in the referendum; 28 per cent said they did not trust the political system. I will return to this theme shortly. Almost a quarter, 24 per cent, said they were not interested in the election. Some 22 per cent said they did not know enough about the candidates, and that is down to us and all those who stood. Three per cent said they did not know where or how to vote. That same percentage - yes, just 3 per cent - said they did not vote due to the loss of the Island-wide role of Senator. I said I would come back to trust earlier. Earlier in this sitting, we discussed the need for trust and we were reminded of the position of being leaders. Let us consider that in the context of what we are being asked. When asked, the public voted in the following way. In St. Helier, 85.7 per cent of people voted for change. In St. Clement, 84.4 per cent of people voted for change. In St. Saviour, 83.5 per cent of people voted for change. In St. Brelade, 82.7 per cent of people voted for change. I will not go through the 12 Parishes, but I will say that I will continue to support the 76 per cent of people in St. John who voted for change, and I would respectfully ask my fellow Connétables to do the same. The irony of the extension we voted on this morning was not lost on me and probably others. We voted to stay until 8.00 p.m., with no notice the previous day. We

currently have the most diverse Assembly the House has ever seen, and we are being asked to go backwards with this proposal that will undoubtedly, in my view, make the House less diverse. Members may have noticed how full the Chamber has been this week; have Members been asked not to travel to off-Island meetings? I am pleased to say that it is not always a lonely place; I was delighted when my fellow Connétable colleagues supported the move to Sunday polling. Will this be successful? Well, if we accept these proposals, we may never know. When introducing change, you should measure the success or otherwise of that change. If we vote to add Senators and more people participate, then we will be told that that is because of the Senators. If there is no increase, undoubtedly, we will be told that it is due to the poll taking place on Sundays. At every election we see the significant efforts that the more senior members of our community make to come out and vote. In my view, this proposal is designed to appease this part of the community. Clearly, like every part of our community, these people make up a very important part of the Island. But what about the others? What are we doing to encourage younger voters? Making things simpler? No. What are we doing to encourage those who do not have a long history in Jersey? Making things simpler? No. The larger districts have worked in different ways. Some districts hold regular surgeries together; some districts do not appear to work together. We should give the current system at least one more term to see how things settle down and not make a backward step at the first opportunity. From my point, I find the larger district a good thing. If I cannot help a constituent, I can ask one of the 4 very good people who are Deputies in the district to help. I do this dependent on their experience and interests, and this works very well in my experience. In the old system, I had one Parish Deputy, and if neither of us could help, what next? I remind people of the Election Observer's comments from the 2022 election. I will not go through the 12; I will start with number one. Electoral reform: "Substantive amendments to the Election Law should be adopted well in advance of the next election and never less than a year before." I am reliably told by a colleague who does not sit far from me that there are just 269 days before the next election - or 9 months - and yet, today we are being asked to adopt significant changes. Members may want to go to page 33, paragraph 60 in section 3: election expenses. If the proposal is accepted and it is anticipated that the increased number of people go on to the register, we could see - as reported by one body locally - the following: for a Senator, expenses of up to £13,776, and for a Deputy, £3,557. Do the public really want to vote for someone who spends £10,000 more than a Deputy? People may have accepted that someone would invest more in their campaign when Senators had a 6-year term compared to other Members' 3-year terms, but the only difference now is name. Do we think the public want their representatives to be frugal and manage their own money well and the public's money even better? I will continue to support the results of the 2013 referendum until such time that the public change their mind.

### **5.1.3 Deputy M. Tadier of St. Brelade:**

Despite probably what I am going to say, I am fairly agnostic on whether the Senators should come back or not. I think there has not been that wider societal debate about what are the different ways in which a society can elect its Members, what the voting system should be, and then what the potential outcomes of that could be. In the absence of that, we have always had very internalised debates, which are often quite fractious because they have been self-serving debates, essentially. Every Assembly wants to do what is best for that particular Assembly, rather than looking at the bigger piece of democratic models and how they might compare to elsewhere and what might actually best serve the public. I do not think this has been any different. I think it appeals to the old regime, the old way of doing things; and I will, to a certain extent, unpack that. But I do have to take exception to the revisionist history that Deputy Millar paints, that the day after the vote for Senators, that there was this lift in St. Helier, that the productivity in the workplaces all went up, that people were coming in with massive grins on their faces. The electricians, the plumbers, those who work in the banks in Jersey, the teachers - they all turned up to school a little bit earlier with a bounce in their step. And when the headteacher asked those teachers: "What is going on? You look particularly sprightly today." They say: "Have you not heard the latest news? The States Assembly have just voted to

bring back Senators, the Island-wide mandate.” “What is that?” “Oh, do you not know? Sit yourselves down, let us have a cup of tea and I will explain to you the constitutional history of the States Assembly since 1948.” “Oh, what, you mean they did not exist until 1948?” “No, they did not; we brought them in as a kind of makeshift to keep people happy when we got rid of the Jurats.” “Oh, right. Well, I had better get back to my next lesson because I am teaching history today and I did not know any of that, but thanks for the lesson.” Or was it simply that somebody accidentally put some MDMA in the water, and that is why people were looking so happy? I will let Members decide. I think, actually, none of that happened; people went on about their business. Of course, there will be some people who had lobbied Deputy Millar who are entirely happy that Senators were coming back. What that tells us is that the people who wanted Senators to come back were really happy and they called Deputy Millar, and that the people who are perhaps the political insiders who look at our electoral system and perhaps talk to other Members were saying: “I think that was a jolly silly decision.” Some of them are still saying to us now: “I hope you do not vote to bring back Senators, because we have already got a complex enough electoral system with 2 types of Member, which we are just about getting our heads around. Please do not add another tier of confusion to that.” We live in a pluralist society where people have different views and, of course, different people talk to different Members who often reinforce our own views. We sometimes get people vehemently disagreeing with us, but we tend to get people contacting us who already know what we might think on something and want to also share that solidarity. I think we can discount the whole idea that the Island is clamouring for the return of the Island-wide mandate, but we also get people telling us mutually contradictory things. People say: “Oh, I am glad you brought back the Island-wide mandate. I think you should all be elected on an Island-wide mandate.” I do not know what the Constables say to that. Do they say: “Yes, absolutely, I agree with you” or: “No, I do not agree with that”? What do we as Deputies say? The other thing is that, of course, you could bring back the Island-wide mandate in so many different ways. We all - or whoever - could be elected on an all-Island-wide mandate like they have done in Guernsey, which they have done for a second time. To be fair to the Guernseys - if we can call them that - to our cousins over the water, I did not think they would last that long with this current electoral system. I thought they would have one term of it and then they would think it was completely ridiculous and get rid of it. But it has lasted for a second term and it seems to be doing the job for them; so I think there are pros and cons in any electoral system. But at least they have a universal system where everybody’s vote is equal. They have one constituency where you can vote for the whole Island. We are going to introduce an extra level of “curiosity”, if you like, into our voting system. Of course, why 9? We are choosing to bring back 9 Senators, which we have never had before. Why not the full 12? Why not the 6 that we had previously? Why do it in this way? Why do it by removing a seat from every district? Of course, the districts have been finely balanced to make sure that they are representative of the population, and by removing one seat from every district, the maths do not work. While Members say we should not get hung up on mathematical exactitudes, if you took if you took 3 Deputies away from every district, we would know that could not be fair, could it? Because Grouville and St. Martin would have no one representing them; town would have maybe one, one and 2; and other parts of the Island would just have one Deputy. I think the over-representation and under-representation of certain areas would be fairly obvious, but that over-representation and under-representation is made even worse by the way that we are reintroducing Senators. The point is, there is nothing wrong with having Senators back. The Island-wide mandate, there is nothing wrong with it. Of course, people attach to it emotionally; it is easy to understand and it is familiar for, certainly, the older generation who are used to that Senatorial system. But certainly, the generation who were voting for the first time in 1948 would not have found that a familiar system, just as the generation who voted for the first time in 2022 will have no recollection of what it was like to vote in an Island-wide election or to vote, indeed, for their local Parish Deputies. They would never have voted for a Deputy of St. John, of St. Martin, or of Grouville, because that was the trade-off, was it not? When we brought in the new system, it was abolishing part of the Parish system which had existed for much longer than Senators, which stretches



back with that long tradition of Constables. What we have done in that one fell swoop is that we have tried to get this blend of keeping Parish representation, with the Constable staying automatically in the Assembly, and to move to quasi-super-constituencies. To say it in the Jersey context is perhaps slightly ironic, but it is a super-constituency for Jersey. Now, we are going to get this very strange system where we have got Senators sitting alongside Deputies who, in many cases, do not represent their Parishes; they represent 3 Parishes that make one district. I have the luck, if you like, of representing a Parish which happens to sit inside a district and it makes things a bit cleaner. St. Helier is divided into 3. St. Saviour remains its own Parish, but that is not the case for St. John, Trinity and St. Lawrence. It is not the case for St. Mary, for St. Peter, and what is the other one? St. Mary. I could go on, but I think we get the gist. I am sorry if I have misspoken there. But it shows how complicated it is, even for somebody who is an insider, to get these things muddled up, let alone a member of the public who is saying to us not: "I am grateful that you are bringing the Senators" but: "What? You are changing it again? You only just changed it at the last election."

[12:00]

You only just had a referendum in 2013, which we also voted on, in which we told you that we wanted change, that we wanted a workable and fairer system. But you seem to be changing it again for your own vested interests." And for what? Let us have some honesty here for the first time. Is it so that certain Members of this Assembly can simply go around and say: "We want the title of Senator because we like the title of Senator"? "We like the idea that we have got a bigger mandate than you have got." Is it about the size of your mandate? Is the size of your mandate important in being a States Member or is it how you use your mandate that is important? I think it is the latter; I think it is about what you do in here. It may not be about us, of course - this will be about future Members in this Assembly - but it is about what you do in here. It is not about how you get here, because we all get here through different routes, but all of us are legitimately elected. Just because you have got 10,000, 15,000 votes, it does not even translate into an automatic right that you will get any particular job, as we know already. The media will be spending a lot of its attention, by necessity, on covering the election for 9 seats - 9 seats which make up less than 20 per cent of this Assembly - for people wanting to get a title of Senator. There may be 15, 20 people running for that position depending on how we do it. There will be very little scrutiny on what is going on for the other 40 seats; perhaps for the 12 Constable seats, some of which will be contested one way or the other. They will all be facing an election for at least ... for none of the above and the other 28 seats that are going to be contested for Deputy, all for what purpose? To make our system even more complicated, even more opaque? I would say, we do not have to pass this. I think there has been a period of reflection. I dare say that some emotions were running high in the last debate because of the way that amendments were put in - I think for the right reasons - but perhaps some amendments got certain people's backs up, that there was an element of fractiousness even then. What I would say to those who are perhaps considering wavering on this is that it is absolutely right, after a period of reflection, to question whether this is the best thing to do for the public of the Island, or whether this is just going to perpetuate more and more debates in the future where arguments come back about: "Well I think now we should have 12 Senators." "I think now we should have an Island-wide mandate for everybody." "I think now we should have an Island-wide mandate but which includes keeping the Constables in the Assembly." Because there will be all of those permutations. If we cannot get through one electoral cycle followed by another where there has been an agreement that our system works and that we have made some progress. Progress which marries tradition because it has recognised the fact that that referendum took place, it has recognised the fact that there was also a referendum separately on the role of Constables in the Assembly. At that time - and it is probably the same today - the public overwhelmingly said: "We want our Constables to also be Members of this Assembly, but we recognise that there needs to be some rejigging of the boundaries. There needs to be some fairness in that." What we have currently - I think it can be said - does marry the best of both worlds. In the Jersey context, it is a very Jersey-specific solution and it was come to after years

of deliberation. The likes of Deputy Bailhache, who may have lots of different political opinions to myself; Deputy Renouf, who at the time was on the Electoral Commission; and also people like Deputy Alves, Deputy Russell Labey and those other Members who have served on various constitutional bodies going back through time in Jersey, who were from right across the political spectrum. Jersey traditionalists and conservatives who all came up with a model and said: "Look, we need to do something." The model we settled on was a hybrid system which said: "Let us have slightly larger districts which are equally balanced so that everybody has to have a reasonable number of votes; and contested elections, importantly, for Deputies, but still keeping the traditional element of the country Parishes." That is what we had. We talked about throwing the baby out with the bathwater yesterday; I think that is what we are at risk of doing here. Again, I say: "What for?" Simply so that some Members who are elected to this Assembly will have the title of Senator, while others will simply have to have a lesser title, presumably, of Deputy or Constable. Ultimately, we know who is going to be doing the real work in this Assembly: it is those Members, whatever their title, who are committed to being here for the right reasons. I think that is for all of us - and those who may come forward in the future - to represent our constituents and to do it in the best way possible. I do not think we should come into this saying that it is a rubber-stamping exercise. We have to use our intellect as well as our hearts in this debate. I would urge Members to reconsider. If they voted last time with some misgivings, I think those misgivings are probably correct. I would ask Members to agree that the progress we have made since the first time in 1948, with these new election models that we have been through ... are actually a pretty good system. Do not try and get a perfect system when we have something which works very well already.

#### **5.1.4 Deputy R.J. Ward of St. Helier Central:**

I do not really want to speak now after Deputy Tadier, but I suppose I have to, because he makes a good point with humour, which I do not think I can do on this. I suppose I have to be practical when it comes to this, and I just want to ask everybody who is voting today to answer some questions in their own mind about the change we are about to make. That is: what is the role of Senator in this Assembly that is different from everybody else? Because this notion that there is an Island-wide understanding or mandate that perhaps we do not have as a Deputy ... well, we are voting at the moment, in the middle of the Residential Tenancy Law which affects everybody on the Island. We have votes every single Assembly on things that affect everybody on the Island and we have to have an Island-wide mandate. I have tried a whole iteration of constituency drop-ins in loads of different places to try and encourage people to come along. I am quite complimented that the constituents in my district, I see them and I know them, and they call me and they message me and they email me, and we solve their problems quite often, and I have chats with them, and they do not come along. I have other constituents coming to my drop-ins from all over the Island - particularly in the role as Minister now because they want to talk to me about Ministerial things, usually mobile phones - and we have had lots of discussions in that way. I cannot understand what would be different if I had a Senatorial role or a Deputy role in this Assembly. What we will inevitably enter - and I think it was denied in the debate originally about Senators - was that if you want to be a Minister, if you want to take on a role, you will have to be a Senator. Otherwise, you have not got an Island-wide mandate. That, to me, goes against the grain because I think we should have people taking on Ministerial roles for all sorts of reasons, one of them being experience. I would not really have wanted to take on a different Ministerial role because I would not have had the experience that I have for the role I am in. Now, you can make your own judgments about me - and I am sure you absolutely do and that is absolutely fair enough - but I can stand here confidently and say that I have spent the vast majority of my career in the education system. When I have conversations as a Minister within the department, I do so from a position of knowledge, which is great, but I am a Deputy in the centre of St. Helier. Now, I know that within the debate itself, our right to be here was questioned by some because of voter turnout. But I have now got to go back to the constituency and say: "Actually, we are going to have to remove a Deputy from this constituency and your representation." When you look at the

variance from what is equality of representation across the constituencies, you have got one of the largest differences in variance. If we support the Constable of St. Helier - it is nice for me to be able to stand here and support the Constable of St. Helier; it is nice to be able to bury the hatchet every so often. That is probably a bad analogy, but it is nice to be able to do that - then that will make it slightly better for south and north, but the largest variance will be in St. Helier Central. Then I have to go and convince constituents: "It is really worth you voting. Come out and vote, because you are valued by the Assembly." These are the unintended consequences of this change. I want people who are going to vote for Senators to say: "What are those Senators saying?" Are you saying that those 7 or 9 - or whatever number it is now, I am losing track - Senators, they will be the only people being Ministers? Because if so, and you are in this Assembly now, and you do not stand as a Senator, you are giving up that role in the future Assembly; so, you have got to take the risk to be a Senator in order to be a Minister. Just simply voting for more faces does not increase democracy; it is about the quality of representation that we get. Who is going to stand? How are we going to emphasise the importance of being a Deputy if you have got a layer above? It is not clear as to what these roles are for. Now, we have got the most diverse Assembly; that is important. It is a subtle thing. It is not easy to define, but Assemblies and Parliaments across the world that have representation from across their society are better reflective of their society. You get that by very local representation, and we have significant local representation. We will lose that, particularly in St. Helier North and St. Helier South. It will change. I think we have to be very careful about taking this forward without knowing the genuine implications of what that means. If the issue is to be Chief Minister you have to be a Senator - so, taking away all of that representation for the sake of one post - then there is no validity, it seems, for any Chief Ministers that have been through this term of the Assembly. I do not think that is fair, because we have been through processes to have Chief Ministers in this Assembly when we first started. Yes, I know it was unfortunate and I know that soured relationships, but I think we have all learned something about this Assembly as we have gone through. Therefore, I struggle with us voting as an Assembly for something that is undefined, not clear as to why we are doing it, that will give another layer in this Assembly. I will make a prediction that we will come to Ministerial elections and if somebody is a Senator, they will stand up and say: "I should have this because I have a whole-of-Island mandate." It will be that simple, so we are *ipso facto* voting for the Council of Ministers with Senators. That will take away a huge amount of choice from this Assembly. We will not have a meritocracy, which is what we need for good governance; we will have a bureaucracy, simply because of the way that those elections went. I have been to Senatorial hustings; I went to one and I did not go to another one. I went to support a colleague. Of course I did. You are a fantastic colleague, okay? **[Laughter]** I simply cannot disappoint Deputy Coles. I let him believe. It is important we all believe; we have faith and belief. I know he has a strong faith; I encourage him, believe it. There we go. It is not the only misplaced belief, but there we go. I tried to stand there and think: "Okay, if I did not have a predetermined idea, what could I judge from this?" My answer was, really, nothing. Each Member having 15, 20 seconds to try and say the same thing and everybody saying: "Well, yes, I agree with them" or: "I say this." If you went first, you got your point, and if you went at the end, it had all been said. That is not the way to do this. The way to have democracy in this Island is that in our districts, you knock on every single door and you have those conversations. You talk about the difficult things. In my constituency, yes, there was controversy over what is happening with the park. We knocked on every single door and we talked to people and we explained what was going on and we had those conversations. The nicest conversations - and this might seem odd - are the ones where somebody said to me at the end: "Do you know what? I simply do not agree with you, but thanks, we had a great conversation", and I would say: "That is fine. That is the way democracy works, it is really nice. I am going to go and knock on someone else's door now." "Okay, thanks. Have a good day." That is the way to disagree politely and kindly. In the world we are living in - look at the news today - we have got to be very careful that we carry on doing that because we can set an example. The final thing I would say - and this is on a personal note - as the chair of C.P.A. (Commonwealth Parliamentary Association), I have been involved in election

observations around the world. My name is on the report for an international election - I am very proud, because it was a lovely piece of work that - where one of the comments was about not making changes so close to an election. Yet in my Assembly we are making changes less than a year before the election which, on any recommendation of good practice, it says: "Do not do that." We need to run through the system we have got one more time, we need to look at the quality of that Assembly, and if we really want to make that change afterwards, we need to have valid reasons and absolute clarity on the roles that we are creating for this Assembly. Otherwise, we are not managing, we are not having an Assembly that will work into the future, and we will continue to lose our credibility.

[12:15]

I will make a final point. I was very disappointed earlier when a Member of the Assembly said about a "proper job". I commit absolutely to my job. I work all the hours under the sun, and I am exhausted at the end of the day. I am proud to do this job, just as I have been proud to do the other jobs I have done in my career, and that does not help raise our profile. This is not going to change that. It is the actions that we take, and I think we have to have clarity in what we are doing. I will continue to not support this.

#### **5.1.5 Deputy S.Y. Mézec of St. Helier South:**

This will be the fourth time the Assembly has debated the principle of reintroducing Senators in some shape or form in this term of office, and Members have fluctuated in their positions on that each time that it has happened. Of course some have had a consistent opposition and some consistent support, but the reason we are here this time is because of some Members changing their minds along the way. That is obviously a sign that this is not a done deal and I want to recommend to Members that that deal is cast aside and we go back to what the presumption had been for most of this term of office, which is that we would have the next election on the same basis that we had last time. I think there are multiple really good reasons for that, and I am pleased to follow the previous 3 speakers who made each their own very good points in that regard. Speaking as one of the old guard in this Assembly - I have run for election 5 times, I have an 80 per cent success rate, I have done so on a Parish basis and on an Island-wide basis and I have served in the Assembly on a Parish basis and Island-wide basis. I have no hesitation in making the claim that the last election campaign I was involved in was by far the best election in Jersey in that we had really competitive elections across all of the districts. The Constables had more challengers from other candidates than I can remember in previous terms, and even those who did not still had "none of the above", which was competitive in some instances as well. In the Deputies' districts voters really did have a choice; I would say that there were good quality candidates spread across the whole of those districts and voters had a genuine choice as to who they wanted to represent them. I found running for a district I had a really good balance between being able to go out knocking on doors, meeting voters and making the case to them for why I thought I was the candidate they should consider voting for, finding lots of support, finding the occasional door slammed in my face from people who did not want to vote for me, and that is part of the democratic process and really important. Secondly, it then produced an Assembly which is the most diverse we have ever had, which does not have what we had in previous terms of office which is the "them and us" I did feel when I sat on the Senatorial benches looking around the rest. Because in deciding who gets what role the mandates come into it, rather than the ability of the candidate and their support across the Assembly. Not having that dynamic in this Assembly has, I think, been much better, and even though there are still 2 categories of Members, because there is still a Parish connection either way, I do not feel the "them and us" between the different categories of Member that I did previously. That is why I honestly feel this Assembly's work it has done and how it has conducted itself has been the best of those Assemblies that I have been involved in, in my 11 and a half years in politics. I am worried that if this proposition goes through that we will have a worse selection next time around, and it will be worse for multiple reasons. There is the disillusionment that I think the Constable of St. John referred to, and I know Deputy Millar will say

that lots of people who spoke to her were supportive. I absolutely do not doubt that but I do think that there is an obvious connection between being associated with a cause and those who like the cause going to you, to say: "Jolly good, well done, thank you." But if you look more broadly, we have lots of signs that there is a great sense of fatigue among the public of us talking about ourselves over and over again on this subject, constantly changing the system, going forward, then going backwards, and all that comes with it. It is fair to say that on social media there was overwhelming opposition to this, maybe about 90 per cent or something like that, I think, in what I observed. Just that engagement that I have had when I have gone out into the various different circles in our society - be that at some charity event that I am invited to, be it a Chamber of Commerce event that I am invited to, be it private meetings with business representative groups, et cetera - and I was finding from lots of very sensible and capable people who are doing really good work in our community, that there was not any sense of great enthusiasm for this because many of them recognised that tinkering with our voting system like this is not going to lead to better results for those different sectors of our society. Charities do not care whether we are elected 3 different ways, versus 2, versus one, Island-wide district. What they care about is that we have got a Government that understands them and has at least a degree of social justice as part of their platform. The business community does not care if they are talking to a Senator or a Deputy or a Constable. What they care about is that they are talking to a States Member that understands why it is important to support business and responds to their needs and do so in a decent way for the whole Island. That is a view I frequently have put to me, including from people who are otherwise wholesale opposed to my politics, but in terms of their support for democracy we are aligned on that. There is, of course, as the Constable of St. John mentioned, that referendum from 2013, which the proponents of this proposition constantly seek to gloss over because it is inconvenient, which is that when we actually ask the public: "Come out and mark your cross on a ballot paper" or number on a ballot paper I think it was for that one, "come out and tell us what you want of these options." The overwhelming majority, 81 per cent I think it was, came out for change and that was across the Parishes; not just in St. Helier, across all of the Parishes there was an overwhelming desire for that. You can see why, and even those of us who were not on the winning side reconciled ourselves to it for the greater good, and I maintain that position. So moving to next year, let us say that we adopt the proposition that is on the table, it will technically be the most complicated election that we have ever held because technically we will be having 5 categories of States Member. You will have the Senators elected Island-wide, you will have the Constables elected Parish, you will have some Deputies elected on a Parish basis, some Deputies elected on a sub-Parish basis, and some Deputies elected on supra-Parish basis. That is not what we had from 2018 where Deputies' districts were only either Parish or sub-Parish based; not supra-Parish based. So that makes the system automatically more complicated. It means that when you are engaging with a voter the first portion of time you have got to dedicate to it is telling them what the paper they are going to get handed at the polling station means; not about the issues that they actually care about. You are going to spend all this time explaining: "Well, we have 3 categories of States Member, they all ultimately do the same job in the Assembly but they are elected in different ways, do not ask why because there is not a rational reason for that apart from that the British Government thought that was a nice compromise back in 1947." Which I do not think that reason will go down very well. You spend all this time, eyes will glaze over because what people want to talk about is: "The healthcare system is strained at the moment, what are you going to do to solve that? I am worried about my kids' future in the Island because I do not think they are going to be able to afford housing; what are you going to do about it?" Those are the issues that motivate people to care about what is happening, and if they feel confident, turn up, take that ballot paper and mark it to cast their verdict on what they want. Having to spend all this time explaining to them all these different categories, especially if you have never engage with the system before, is going to be nothing but off-putting. A simpler system is the best way of delivering that. I challenge any Member in support of this proposition to explain why this is the perfect system for Jersey, because I bet you even many of the supporters of the proposition do not believe that, because when we go out and we talk to

constituents about what voting system they might want to have, there is a clear distinction between Senators and Island-wide voting because they are not necessarily the same thing. If you ask me, I would quite happily have all 49 of us elected on an Island-wide basis. I would be perfectly happy for that system. I do not care what we call it, it does not matter, but that absolute equal system, all of us with the maximum mandate possible, I would be totally in favour of a pour for that if that comes along. No problem with that. But to say this system of everybody in the Island having a say on an equal basis in that Island-wide constituency, where voters get the maximum choice, the maximum input into who is going to hold the most senior positions in Government, all of those are really compelling arguments for Island-wide voting. You then say all of those good, compelling arguments, but only for 9 out of 49 of them, not the other 40. So my big concern for the election next year is that while there might be a vibrant election for those 9 Senators, what about the other 40 of the Members in this Assembly. I think we will end up with an under-contested election in a way we did not have last time, where the choice across the whole Island was a really good choice, where you will have some Members who may ... last time around if you wanted to run for election the question was: "Do you want to run: yes or no?" Next time around the question is going to be: "Do you want to run: yes or no, and as what?" Especially if you are a new candidate; why would you run for Senator rather than Deputy? If you are an incumbent Member having to make that choice, why would you ... you are going to have to make all sorts of calculations rather than just the simple question: "Do I think I can make a difference to my community? Yes, I will put my name forward for election." You are going to have to calculate: "Is it Senator, is it Deputy, do I swap districts" and all the rest of it, none of which is helpful and none of which will lead to the whole election across all of the districts, people broadly having a good choice that is well-contested, where the result matters. That is going to be much less likely. You are going to have this focus on those elections for 9 seats, the other 40 seats might not get what would otherwise be viable candidates because they have decided to go for Senator. Some of those people will be misjudging it and might come 10th by 20 votes where in their local district they would have been popular for that and could have had a really positive contribution to make on a local basis. That dynamic will be gone and that will mean an uneven distribution of representation across the Assembly. I worry about that because I want the public at the next election to go to the polls, to cast a verdict on what kind of Government they want, and the more paperwork you have to hand them to do that, the more explaining about a weird different system that does not really have any justification for it, is detracting from that process, where the only thing that can provide a good process there is equal votes on an equal basis with a simple system. The system we had at the last election was infinitely superior to that, that we had in previous elections. There is of course the problem that we are breaking international good practice on this; that is simply a fact. The Venice Commission is absolutely clear on this, that you do not make these kind of changes at short notice, which is what we are doing. They also say that your distribution of Members should be proportionate to population. We are going backwards in that regard and doing so consciously because under the current system Deputies were distributed to account for the malapportionment that occurs as a result of the Constable's Parishes being unequal in size of population. The Deputies were there to balance that out. A really good system; mathematically did a good job there, but it is not as simple as just taking one from each district because you are doing that for one out of 37 versus one out of 29, so that it actually does apportion that badly and makes that malapportionment even worse, and that is not good for all of the reasons that I think Deputy Ward talked about. I will disagree with Deputy Millar, who talked about wrecking amendments, where on the table this time that most definitely is not the case. I do not agree with all the amendments that have come forward but some of them do I think attempt to salvage the situation. The Constable of St. Helier does a good job in his amendment to address some of the malapportionment that happens as a result of taking 9 Deputies out of the equation, and that is indisputable. He has done the maths; you can see it in the chart, there is no question that he is accurate on that.

[12:30]

In terms of an under-contested election; yes, it would be helpful to go back to the system that we had for 63 years of the Senatorial existence, where they were elected a month before. That does make that cleaner. You have your focus on that; you have your result and then you have your focus on your local election and have that result. That will not be under-contested and it will have all of the same benefits that the 2022 election had because the focus would be on there and you would have well-contested districts then. That was the logic underpinning the 3 categories of Member for most of its existence. So I would say to Members that we have debated this multiple times, we have fluctuated in our decisions on this. There is no reason why we need to maintain the decision that was made in March and I genuinely worry that we will have a worse kind of election campaign next time around, undermining the public's ability to have a decent and fair say as to who runs the Government of the Island. So I urge Members to vote against.

**5.1.6 Deputy M.R. Scott of St. Brelade:**

I just wanted to say something about the efficiency of which we debate because when we introduce a law we debate something at the principles stage, and from what I understand the principles stage is when you say whether you should have a debate of the law. Now, sometimes we have propositions that say: "Let us have a law" and I reckon - and maybe I am being incredibly naïve, I am asking a Greffe Officer advice on this, even as I speak - sometimes we have a proposition saying: "Let us bring in that law" and sometimes we do not, which really makes me wonder why are we debating the principles when we have already said that there should be a law. We have been told the point of debating the principles is whether we even like the idea of the law. I could go on about the fact that nothing is perfect, I might even agree with Deputy Mézec about maybe everybody should be Senators, I do not know, but what we can say is as politicians rarely do we talk about perfection. As politicians sometimes we compromise. As politicians we have to think about: "Well, is this what our electorate want?" and all these things, and all that has been discussed. So on that basis, because I feel like I have been there before - déjà vu - I will be supporting the principles.

**Deputy M. Tadier:**

Could I raise a point of order at this point for you to answer, Sir? Just that the principles are obviously the principles of this law, not the general principles of having Senators and whether that is a good idea. Any law is about what is in front of us and the detail of that, rather than a general idea, would it be nice to have Senators back. Of course that latter can come into the debate but that is not what the principles are.

**The Deputy Bailiff:**

Are you asking for me to give Members guidance on what the principles are?

**Deputy M. Tadier:**

Yes, just in a higher level term than a general sense.

**The Deputy Bailiff:**

Well I am not going to read the ruling out I gave last time because it was quite a long one, but there is no definition in Standing Orders of what constitutes the principles of a draft law. The principles can perhaps be seen as the high-level purpose of the draft law in question, or the rationale underpinning the legislation. It is ultimately a matter of personal judgment for Members as to whether or not they vote for against the principles of a draft law or draft regulation, and to vote for or against the principles does not prevent a Member from changing the mind about adoption of the Articles or their view in third reading in due course. There is no definition of what constitutes the principles. Does any Member wish to speak?

**Deputy M. Tadier:**

No, I suppose what I am asking, Sir, there is a difference between an in principle debate that a Back-Bencher brings which is not bringing legislation, versus what a Minister or a chair of a body brings to enact that previous ...

**The Deputy Bailiff:**

I follow.

**Deputy M. Tadier:**

That is what I was getting at.

**The Deputy Bailiff:**

Yes, I see what you mean. Propositions generally deal with principles and invite Ministers frequently to go away and do various things. This is different. These are principles of a law; it is not an in-principle debate in that sense.

**Deputy R.J. Ward:**

Sir, can I ask a slightly different question, if I may? Are we going to complete all of this debate now through all of everything on ... I am not making myself clear here. Are we going to complete the entire debate on Senators or will we come back to the Residential Tenancy when it is ready? The reason I ask that is because there is a flow to debates and I just want to know, thank you.

**The Deputy Bailiff:**

It is a matter ultimately for Members, but now we have started this debate Members may feel it is appropriate to finish it. But it is a matter for Members. If a time comes when it is appropriate to go back to that law then we could do so, but I had imagined we would complete this law but it is a matter for Members if they wish to go back to the other law and complete it. Does any Member wish to speak on the principles before we adjourn?

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

I will be brief and I will stick to the principles as I see them. I listened to Deputy Mézec and he is quite right; the fairest system here would be to have everybody elected on an Island-wide mandate, but those of us - not myself - who are statisticians will tell you the difficulties that you get with trying to elect 49 people, so I will not go into that. But certainly Senators and an Island-wide mandate is a fairer way to elect people across the Island. I just want to say, I was one of the politicians that voted to remove Senators in a previous Assembly and I was left in no doubt when I campaigned at the last election the error of my ways. Everybody I spoke to in St. Martin complained bitterly about the loss of the vote that they had expected and had not realised until the very last minute they were not getting. I undertook at that time that I would support Senators if it came back, and I will continue to do that. Thank you.

**The Deputy Bailiff:**

Thank you, Deputy. Does anyone else wish to speak? If no one else wishes to speak then I will close the debate. I close the debate and invite Deputy Ahier to reply.

**5.1.8 Deputy S.M. Ahier:**

What turned out to be quite a short debate. I will quickly review some of the comments made from Members. Deputy Millar said that it was a morale boost to bring back Senators and that the public would be very, very disappointed if that was not the case. The Constable of St. John mentioned the 2013 referendum and how disregarding it may have led to a reduction in voter turnout. He also mentioned the Lifestyle Survey Report of 2025 which said that 3 per cent of those who said that they did not vote because there was no Senators ... there was only 3 per cent who supported that argument, and that changes should never be more than a year before an election, which was mentioned by a few



people. Deputy Tadier said that he was agnostic on the proposal. I am sure we all understand that Deputy Tadier is agnostic on a number of things.

**Deputy M. Tadier:**

Sir, I am fervently agnostic, I think. [Laughter]

**Deputy S.M. Ahier:**

That was as I thought. But he also mentioned that we have never had 9 Senators before. Deputy Ward said again it was too close to the election and that we would lose our credibility. Deputy Mézec says we now have really competitive elections as we are, and 90 per cent of people oppose this move on social media, which is obviously something I will leave for Deputy Mézec to clarify because I have no way of confirming whether that is true or not. We also should be talking about the issues and not the electoral system. Deputy Scott mentioned that sometimes we should compromise, and Deputy Luce says everybody elected on an Island-wide mandate is the fairer way. So obviously not many people have contributed to the argument because I presume that most Members have made up their mind. So for that reason I will leave my comments there and maintain the principles and I call for the appel.

**The Deputy Bailiff:**

Members are reminded that 25 votes are required under Standing Order 89A. I invite Members to return to their seats and I invite the Greffier to open the voting. If all Members have had the chance of casting their votes I ask the Greffier to close the voting. I can announce that the principles have been adopted:

| <b>POUR: 29</b>            |  | <b>CONTRE: 17</b>           |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|-----------------------------|--|-------------------|
| Connétable of St. Helier   |  | Connétable of St. John      |  |                   |
| Connétable of St. Lawrence |  | Deputy G.P. Southern        |  |                   |
| Connétable of St. Brelade  |  | Deputy M. Tadier            |  |                   |
| Connétable of Trinity      |  | Deputy L.M.C. Doublet       |  |                   |
| Connétable of St. Peter    |  | Deputy S.M. Ahier           |  |                   |
| Connétable of St. Martin   |  | Deputy R.J. Ward            |  |                   |
| Connétable of St. Clement  |  | Deputy C.S. Alves           |  |                   |
| Connétable of Grouville    |  | Deputy S.Y. Mézec           |  |                   |
| Connétable of St. Ouen     |  | Deputy Sir P.M. Bailhache   |  |                   |
| Connétable of St. Mary     |  | Deputy T.A. Coles           |  |                   |
| Connétable of St. Saviour  |  | Deputy B.B. de S.V.M. Porée |  |                   |
| Deputy C.F. Labey          |  | Deputy J. Renouf            |  |                   |
| Deputy S.G. Luce           |  | Deputy C.D. Curtis          |  |                   |
| Deputy K.F. Morel          |  | Deputy L.V. Feltham         |  |                   |
| Deputy M.R. Le Hegarat     |  | Deputy H.L. Jeune           |  |                   |
| Deputy I. Gardiner         |  | Deputy R.S. Kovacs          |  |                   |
| Deputy I.J. Gorst          |  | Deputy K.M. Wilson          |  |                   |
| Deputy L.J. Farnham        |  |                             |  |                   |

|                          |  |  |  |  |
|--------------------------|--|--|--|--|
| Deputy D.J. Warr         |  |  |  |  |
| Deputy H.M. Miles        |  |  |  |  |
| Deputy M.R. Scott        |  |  |  |  |
| Deputy R.E. Binet        |  |  |  |  |
| Deputy M.E. Millar       |  |  |  |  |
| Deputy A. Howell         |  |  |  |  |
| Deputy T.J.A. Binet      |  |  |  |  |
| Deputy M.R. Ferey        |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

Are Members content to adjourn? We will adjourn until 2.15 p.m.

[12:42]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **The Deputy Bailiff:**

Before we move on to the Second Reading, I need to ask you, Deputy Miles, if your panel wish to scrutinise this matter?

### **Deputy H.M. Miles of St. Brelade (Chair, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

### **The Deputy Bailiff:**

Deputy Ahier, we now come to the Articles. There are 4 amendments. Are P.P.C. accepting any of those amendments?

### **Deputy S.M. Ahier of St. Helier North:**

The committee considers it is for this Assembly to determine which, if any, of the amendments should be adopted. It was unable to meet in person to discuss the amendments, but it has produced comments where a majority view was reached, indicating the committee's support or otherwise.

### **The Deputy Bailiff:**

Thank you very much. How do you propose the Articles in Second Reading?

### **5.2 Deputy S.M. Ahier:**

I would like to propose the Articles *en bloc*.

### **The Deputy Bailiff:**

Do you wish to say anything in support of the Articles?

### **Deputy S.M. Ahier:**

If I may, Sir.

**The Deputy Bailiff:**

Yes, please do.

**Deputy S.M. Ahier:**

Articles 1 to 22 amend elements of the States of Jersey Law and Articles 23 to 58 amend the Elections (Jersey) Law 2002, altering the Constitution of this Assembly to reflect the decision made in March of this year, reinstating the role of Senator and embedding it into our election process again. Articles 59 to 64 make amendments to the Political Parties (Registration) (Jersey) Law 2008, Public Elections (Expenditure and Donations) (Jersey) Law 2014 and 4 other laws where Senators need to be included. Article 65 deals with the citation and commencement. The majority of the Articles are administrative in nature, making accommodation for the return of the role of Senator. Some are transitional or consequential. I am happy to speak to any of the Articles should Members have any questions. Otherwise, I propose Articles 1 to 65.

**The Deputy Bailiff:**

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

### **5.3 Draft Election (Senators) (Jersey) Amendment Law 202- (P.56/2025): amendment (P.56/2025 Amd.)**

**The Deputy Bailiff:**

So the first amendment is the amendment made by the Connétable of St. Helier and I ask the Greffier to read the amendment.

**The Greffier of the States:**

(1) Page 14, Article 3 – In paragraph (a), in the inserted text, for "9 Senators" substitute "7 Senators". (2) Page 14, Article 3 – In paragraph (b), for "28 Deputies" substitute "30 Deputies". (3) Page 15, Article 5 – In the inserted Article 3B(2)(b), for "28" substitute "30". (4) Page 19, Article 21 – In the substituted Schedule 1, in the second column of the table (number of Deputies to be returned) (a) in the entry for the constituency of St. Helier South, for "3" substitute "4"; and (b) in the entry for the constituency of St. Helier North, for "3" substitute "4".

#### **5.3.1 Connétable A.S. Crowcroft of St. Helier:**

I should perhaps begin with an apology that I did not bring this amendment to P.2 of this year when we debated this matter in principle. I did not think of it then. Perhaps I was also drinking from the same potion as Deputy Millar. I was particularly enthusiastic about what the return of the Senatorial position could do for interest in our elections. I perhaps would not go so far as she did in the earlier debate, saying that it has put a spring in the step of my constituents, but certainly, like her, I am aware of many people who rue the loss of the Island-wide mandate and who are pleased that it may be coming back. I also I think at the time of the debate was not fully aware of the impact of the proposals on the Parish that I represent. It was pointed out during the debate but I suppose I was a bit blinkered. Once that was been pointed out to me since then ... the tables which I have put in my report on page 3 are extremely stark. In terms of over-representation, if we take the Parish that I am most fond of talking about when I talk about these matters in the States and the gerrymandering of our system, St. Mary, together with St. Ouen and St. Peter, 27 per cent over-represented in terms of the political power that a person living in those Parishes has when it comes to our decision-making. In St. Helier North, 41 per cent under-represented when it comes to decisions being made in this Assembly. That is an enormous disparity and once that was pointed out to me I thought I have to try to make amends for my vote, which like all of our votes back in March, made Senators happen, because it was down to every individual vote. There appears to have been a slightly wider gap now that we have 29 in

support instead of just the 25, but I can say that if this amendment is not successful I will not be able to support the introduction of Senators because the impact, as I say, on St. Helier is absolutely stark. I would suggest that when we come to debate this amendment that Members of the current Assembly with Senatorial ambitions should admit that they have those ambitions. It is almost like declaring an interest and, of course, there will be some Members who think: “Well I may not get in if they are 7 but if there are 9 seats, that is going to improve my chances considerably.” Deputy Tadier said in his earlier speech: “Why 9?” and I thought absolutely why 9. It is not a magic number. I would suggest that 7 is a perfectly adequate number to give an Island-wide representation and I think those 7 may be called the Magnificent 7 if it actually happens. I also am concerned that if this does not get through, when the Senatorial roadshow comes to St. Helier, I and many others will point out anybody on the platform who is in this Assembly today and who did not support the mitigation of the deleterious impact of the unamended proposition on St Helier. Mark my words, if anyone stands before St. Helier voters and tries to justify not putting those extra Deputies into St. Helier, they will be called out. It has been pointed out to me that Constables and Deputies are not the same, and of course I know that very well. In my report I certainly made that point that Constables and Deputies are not the same, but when it comes to those critical votes, when a vote is happening in this Chamber which affects St. Helier particularly, affects the capital and the rural voters are ranged ... and it does happen, we cannot deny it, it has happened for centuries it will continue to happen, the rural urban divide will happen. That is when you really feel it, that there will be that much more power given to the members of the rural community when they vote than is being given to the urban community. That is wrong and we should not support a system which allows that to continue, particularly because I cannot see any disadvantage in what I am proposing. Two fewer Senators, the same size of the Assembly, there is no effect on the salary, on the pay bill, and I think actually it will be a more interesting competition for those 7 seats than it will be for 9. So I make the amendments.

#### **The Deputy Bailiff:**

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

#### **5.3.2 Deputy S.M. Ahier:**

Striving for greater voter equity and equality has been the focus of successive P.P.C.s and has featured in the recommendations of 2 Election Observer Missions in 2018 and 2022. There has been an enormous amount of work undertaken to achieve a greater balance across the Island to meet the Venice Commission’s recommendations that any variance in over or under-representation should be no more than 15 per cent either way. The system which was introduced in 2022 resulted in variances for all of the constituencies which were in the Venice Commission’s parameters; only 5 of the Island’s 14 Deputy districts had been within the 15 per cent margin. The Assembly’s implementation of decision made in accordance with P.2/2025 will result in variances in 4 constituencies which exceed the 15 per cent and produce a severe under-representation in St. Helier. The Privileges and Procedures Committee considers that the Connétables, which retains an extra Deputy in each of St. Helier’s South and North, not only improves the variances in respect of those 2 constituencies, bringing them within the 15 per cent, but reduces the impact in other constituencies where there is a larger disparity in terms of over-representation. While this is not a long-term solution, it addresses, for the short term at least, where voters are under-represented in the Island and improves equity for the elections in 2026. The majority of my committee support this amendment.

#### **5.3.3 Deputy M.R. Scott of St. Brelade:**

I was not intending to speak; my iPad actually pressed the button for me, but I will. I am just going to emphasise that the Common Parliamentary Association in the actual rules also envisage compromise in the case of small jurisdictions with special kind of quirks. Just responding to the Constable about the possibility of facing St. Helier as a constituency if I am standing as a Senator - if. I have to point out that I did look at his proposal so I did go through the numbers and I saw that

my constituency lost out and then I actually thought about the fairest way, possibly, if you were actually going to redistribute Senators and constituencies. What you will need to do is take one out of St. John and that group of Parishes and another Deputy out of the St. Mary No. 1 District and give them to St. Helier. I cannot imagine that would make me very popular in those districts as well. So I am afraid you cannot win and, yes, there is a compromise. You are going to end up unpopular, it is a bit like politics, whatever you do.

#### **5.3.4 Connétable D.W. Mezbourian of St. Lawrence:**

Deputy Scott is right, you cannot win, we cannot win, because if we could win we would have won a long, long time ago. Believe me, when I was vice-chairman of P.P.C. in the long-distant past, when the Connétable of St. Clement, the much-missed Len Norman, was chairman, we strove very hard with our P.P.C. to achieve equity. Deputy Mézec will recall those long ago heady days when we used to have so many meetings trying to end up with constituencies that were represented proportionately and as fairly as possible. I have always supported the retention of Senators in this Assembly and I can recall the horror that I felt many years ago when we went from 12 to 10. We have had a gradual decline in number. I think the 12 fitted quite well in the benches to my right here. It seemed an even proportion of Members across the Chamber by role. Nine, when I saw that seemed okay to me but the Constable of St. Helier's amendment to reduce it to 7 has given me pause for thought because I do feel that we should be trying to achieve equity where we can. That should be what we are aiming for in this. It will never be achieved completely with the constituency boundaries that we have. I do not like being lumped together - excuse me Constables - with the Constable of St John and the Constable of Trinity.

[14:30]

I am not happy to be part of a constituency of 3 Parishes at all. I want St. Lawrence to be independent. Absolutely, no, and a lot of my parishioners that I have spoken to are not happy about that change. However, that is what we have, but today and over today and tomorrow we have the opportunity to make some more changes and I am going to give very close thought to actually supporting the Constable on this because it does go some way, I believe, towards achieving that equity that we should really be striving for, while not wanting to make too many changes to get it. I will leave it there, thank you.

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

I absolutely agree that we should seek for voter equity wherever we can. The most difficult issue we have with voter equity, if we look at the Parish basis, sits with the Constables. We will have to do the comparison yet again with the Constable of St Mary - I am sorry, Constable of St. Mary - and the Constable of St Helier, who have a vast number of constituents. This debate is not, and was never, about Constables. If we want to deal with voter equity we need to deal with the question of Constituents, and that is not what the debate is about. During our debate in March, Deputy Alex Curtis did raise, I recollect, some issues about the position of St. Helier. However, I think that voter equity is possibly looked at in its simplest by looking at what the rights of each individual voter are, regardless of where they live. This is where the amendment fails for me. This suggests - let me look at my own district, St John, St Lawrence and Trinity - that I have 6 representatives as an individual voter. I do not. I have 4. In 2026 - ignoring the position of Senators - if we go with the decision we took in March, I will be able to vote for 9 Senators, I will be able to vote for 3 Deputies and one Constable, because I can only vote for the Constable in Trinity. Deputy Jeune, my colleague, will vote for 3 Deputies from the same pool of candidates and the Constable of St. John. Deputy Morel will vote for 3 Deputies from the same pool and the Constable of St. Lawrence. We do not have 6 votes, we have 4 people who represent us. The Constable of St. John this morning said very clearly, and I absolutely respect and understand his views, that he will support and represent his constituents. I am not, and cannot be, one of his constituents if I went to the Constable of St. John or the Constable

of St. Lawrence to complain about my roads in Trinity or my Parish rates, they would, I fully expect, give me short shrift. It may be that if I went to discuss a personal matter with them they would help, but they are not my elected representatives. Across Deputies and Constables, I have 4. The same is true of people who live in any one of St. Mary, St Ouen and St. Peter. They do not have 3 Constables, they have one Constable each. The people who are worst off here are those in Grouville and St. Martin, who will vote for 2 Deputies and one Constable. Looking at this, St. Saviour, who appeared to be minus 8 down, they will vote for 5 people because they have one Constable and 4 Deputies. St. Clement have one Constable and 3 Deputies and yet they are showing as being up. So I think we need to be very careful with the numbers, and I do think what people struggle with coming to this Island is the number of votes they have and there is something very strange that if you live in St. Martin you will vote for 2 Deputies and a Constable and yet if you live in St. Saviour you will vote for 4, depending on where you live. I think evening that out would be good, but this debate is about returning Senators. We voted for 9 Senators. People will vote for, broadly, the same number of people. They will have 2 or 3 Deputies and a Constable, unless you are in St Saviour. We will never agree that. This is a massive, huge piece of work that we would have to take away ... if we want people to vote in constituencies, until we take away Parish boundaries and create entirely new boundaries we are not going to fix the problem, nor are we here today going to fix the problem of the disparity of representation in the benches of Constables. It is different, and as long as we are voting by Parishes, it will always be very different. To suggest that any single voter in any of the multi-Parish constituencies has 6 representatives is, frankly, wrong. I have 4 representatives and that is the reality at the ballot box. I do ask all Members to consider that and not those numbers, because they do not represent the truth of the matter when people come to vote.

### **5.3.6 Deputy M. Tadier of St. Brelade:**

That is only part of the story though, is it not? Because as a qualified advocate, and I am sure as somebody who is the Minister for Treasury and Resources should be at least moderately numerate, she will know that there is another side of the coin, which is it is not about the number of representatives that you have, it is about the power of your vote to influence who you elect. Even the schoolchildren I talk to - I should not say even the school children, of course, because they are very intelligent and they have not yet discovered self-interest - is that they are quite capable of accepting that if 2 districts have one vote each but in one district there is only one person who can vote and in the other district there are 100,000, clearly that is not equality. Now you can say that it is perfectly fair, you have each got one representative and you have each got one vote, therefore you are equally represented. You are equally represented in a sense, are you not, but you certainly do not have the same influence that the person living in the one-person district of the Island has versus the people, the 100,000, living in the other district. I cannot see anyone trying to defend that. Now, of course, that is what some would call the argument to the extreme, but it is something that we have to grapple with. Just because we cannot have the perfect system does not mean we cannot have an improvement on what is being proposed. There is nothing sacred about the number 9 of course. There are many in here who might, if they were voting in a self-interested way, want to punish St. Helier for whatever reason and take a couple away from St. Helier where they might otherwise have it so that the countryside can be over-represented, especially if your opposition party is coming from that particular area. But I would hope that nobody in this Assembly would be thinking along those lines. We should actually be trying to set up fair systems. I consider it a little bit like going to the optician. As long as I decide that I do not bite the bullet and get some kind of laser surgery, I am going to need to either wear something like these to be able to see my good friends over there, even on the front row, grinning at the moment - Constable of Grouville and all of his good esteemed Constable colleagues - I need these to be able to see them clearly or wear a pair of contact lenses. Of course I could bite the bullet and ultimately get the laser surgery which some people tell me is actually very good. Once they have had it done they do not look back and they get perfect 20/20 vision. But, I have still got some reservations at the back of my mind. I am not sure about this newfangled

technology and I am a bit of a traditionalist when it comes to my eyewear apparel, so I will either stick to ordinary spectacles for usual wear or if I am doing something particularly sporty maybe put the temporary contact lenses in. But as it is for laser surgery I do not like it and I do not want it certainly at the moment, and I do not trust it, although I understand that others think it is very good. So when I go to the optician I have to have the optician do this little game with me, which I find is great. Great value by the way the opticians for the healthcare they provide perhaps compared to some other healthcare. They do this thing which is called “Better or Worse”. There is a red and green game as well, which you can play. I wish they would just change the letters, of course, because you can usually remember 4 letters, so they should really change the slides a bit more often. The fact that I have an astigmatism in one eye means that actually I can never get it quite right, especially if I am going for contact lenses, because it is better to wear the same kind of contact lenses and accept that compromise, so I do not have to get them muddled up. It does not make too much of a difference. It is not exactly mathematically perfect but when I am wearing my contact lens, I make do, even though I know that other people ... and when I have my glasses on, I can have much more perfect vision. So I am willing to make those compromises in my own life when it comes to my own vision, and I get that. So I think that is where we are at. I will not explain what the astigmatism metaphor is in terms of my eyes and the ability to get this absolutely perfect in the metaphor for our democratic system. But there are ways that we could certainly make our representation better and there are ways in which we can make it worse. I would like Members to perhaps stop thinking about how this might play out electorally in their districts and simply see the Constable of St. Helier as the friendly optician who is bringing a few options to this Assembly with his amendment and saying: “Better or worse?” I think we need to say, invariably, whatever we think and whatever our policies are and our politics is that the Constable’s amendment here does make it objectively better for our representatives and it is one that we should support. It still gives good coverage, it still gives 7 Senators, that magic biblical number of representation, that we can have after this; 7 members of the public representing the Island on an Island-wide basis alongside the mixed representation that we have. Hopefully after that we will have clear vision to lead whoever it is, to lead the Island into the next 10, 20, 30 years and focus on the real policies that matter to the Island, but do it on a fairer basis if not a perfect one.

### **5.3.7 Deputy S.Y. Mézec of St. Helier South:**

Since we are going down the road of using metaphors, I am going to have a pizza with a friend of mine. So I slice that pizza in half, I then slice it into quarters, I am going to leave 2 of those quarters intact and the other 2 quarters, I am going to slice each of those in half so that side is now sliced into four-eighths. I sit down with my friend to eat it I decide I am going to go for the 2-quarter slices my friend decides they are going to go for the four-eighths slices. Who has had more pizza? Is it the person who has had 2 slices or the one who has had 4 slices? Well, the fact is they have had exactly the same amount of pizza because it is not about the number of slices, it is about how much pizza you actually end up with. That goes for how many votes you have. If you are one person voting in a constituency where there are 65,000 voters versus a constituency where there are 9,000 voters, the person voting in the constituency with the fewer number of voters has the more powerful vote and that is how you determine voter equity; not by the number of votes you have but by the proportion of voters to number of elected representatives. This is not rocket science, it is internationally recognised and that is why you get the best practice guidance from places like the Venice Commission that tell you how to work out voter equity and present the formula for it. It is really easy to apply to Jersey’s system to work out what different changes in the systems achieve. The Constable of St. Helier has produced that table in his report and it is clear and bang on, easy to see, that what he proposes will provide for greater voter equity from the constituency level representation in the Assembly and the Island-wide representation that that retains its perfection so there is no distortion as a result of that. That is mathematically absolutely indisputable there. So given that the purpose of an election is to elect a Parliament that is representative of the population, that is why the distribution of Deputy seats has got to be done in such a way to address the malapportionment that is

automatic as a result of the presence of the Constables in the States. Now, you could remove the Constables from the States and using the district system or different Parish combinations you could probably get much closer to perfection in voter equity but the compromise that we have in the voting system is that we will have Parish Constables in the Assembly, and so the effort must be made with the distribution of Deputy seats in order to counter that malapportionment. If you do not do so you are gerrymandering by neglect. That is the simple fact of the matter and when it was proposed to remove one Deputy seat from each of the districts the maths was not done at the time. The table that the Constable has produced in his report, there was not an equivalent table in the original P.2 proposition. Instead, if I recall correctly, there was a line saying because we are doing it one from each district that means there is no voter equity implications. That was mathematically wrong and pointed out at the time.

[14:45]

If you care about voter equity and you care about maintaining as close to perfection as you can within the limits of our system then this, as the Constable proposes, is the best way to do it. But I will strongly disagree with a brief reference that was made by a previous speaker into this about there being allowed to be diversions from this principle for small jurisdictions. That is not for a single Island with local boundaries where it is possible to have greater voter equity, it is only for situations where it is impossible, where you have a jurisdiction that, for example, might be an archipelago with lots of islands in it and you simply cannot clobber them together and able to do that. I can hear Members behind saying it is not true. They are absolutely wrong, they should read the source material on that. It is for jurisdictions where you have got a mountain in that means you cannot get there. I will not give way, absolutely not, and this is what we get when it comes to debates on our election system, all of this nonsense gets thrown in to divert from having a proper conversation about equal votes for every one of our Islanders who we represent. That is why I support the Constable of St Helier's amendment.

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

I must say that 7 instead of 9 Senators seems very appealing to me but, nonetheless, and I fully appreciate that the Constable of St. Helier is protecting his constituents but I hope that he will appreciate that it is the Constables of St. Martin and Grouville who were left quite badly off with his proposition and I need to protect mine. We will end up with 2 Deputies and one Constable to be voted for. At the moment we have 3 Deputies and one Constable. There is a discrepancy in this, it has only been mentioned once so therefore I just cannot support this because I really feel I need to stand up for my own constituents.

#### **5.3.9 Deputy R.J. Ward of St. Helier Central:**

I had put my light on. I will just say that the table that was produced is about population numbers within those districts as they exist now. So they are accurate in terms of the representation. That is what the table says. Just read the table. I have to stand up and say St. Helier Central will still be the most under-represented district, even after these changes which obviously I think are wrong. St. Helier South and St. Helier North will lose Deputies and direct representation, and there is a concentrated population there. It is a significant local population that needs to be represented. We are lucky having the number of Deputies we have because we can spread the workload and there is a large workload there. There is a distinctly large workload in terms of constituency work in the urban populations and those concentrated populations. I am lucky to have colleagues who help out so much and we help each other out together, both in our districts and across the district, so it will be felt. I think if you are a St. Helier Deputy voting for Senators to lose those Deputies, I can only assume you are going to stand as Senator, which is fine, you go for it, but I think that should be declared during this debate because that is what you are going for, as the Constable suggested. This does give slightly more equity. I think that the numbers need to be looked at accurately. The best



equity we had is the system we have now. We have run it through once, we had a representation, we had the most representative electorate in terms of diversity in the Assembly which we are going to throw out and it will come back next time. When that is gone, we will say: "Oh, well, never mind, we have more people to vote for." It will be the same people who usually run in those areas and get it, and we will lose representation of the type that I think is representative of our population, which I think is a real shame. So I will be supporting the Constable in this, simply because it fixes a little, it gives a little bit more back in terms of St. Helier and it does not benefit me in my district in St. Helier Central, it has no benefit to me but it benefits other districts like St. Helier North where they are, by the way, I have to say, no Reform Jersey people there so I am backing other candidates. I think it is the right thing to do. Well, not yet anyway. I think it is very important that we keep that representation for St. Helier. There were 103,000 voters there and it does not look good to encourage people to vote. I said this before and I will say it again. I hope we can at least support this to try and do something a bit better as we move forward in this debate.

### **5.3.10 Deputy C.F. Labey of Grouville and St. Martin:**

In the Constable's summing up, I would really appreciate him explaining these tables that he has produced on his page 3, because to my mind they are totally misleading. He has lumped Constables in and miscalculated. For example, when he talks about St. Mary, St. Ouen, and St. Peter, he has allocated 6 people. Well, those constituents cannot vote for 6 people. They cannot vote for 3 Constables. Likewise, the constituency of St. John and St. Lawrence, he is calling that 6 votes per constituent, which is totally and utterly misleading. If you take those figures and recalculate them, as they should be, so I would suggest the best way of doing that is to remove the Constables, because they will obscure the votes anyway. If you remove the Constables from that equation as its Deputies that we are actually talking about in this part of the debate, for example, my own constituency, you end up with 2 Deputies representing 4,674 people each. St. Helier South, for example, if you remove the 0.33 as he has allocated for himself and calculate it on the 4 Deputies ... sorry, the 3, you come out with a far lesser figure, in fact, almost half to what we represent in Grouville and St. Martin. So in his summing up, I would really appreciate the Constable explaining his figures and how he arrived at this. To my mind, it is lot of things but it most certainly is not equitable.

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

Sir, can I just ask a point of clarification in that regard to numbers?

### **The Deputy Bailiff:**

Will you accept a point of clarification Deputy Labey or not? Will you accept a point of clarification from Deputy Ward?

### **Deputy C.F. Labey:**

Yes, Sir.

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

I would not suggest in the slightest that the Deputy would mislead us. I know her very well and I know that would not happen so I am not doing that and I want to make that really clear. It is just if you take the numbers from St. Helier South 3,358 and divide it by 3.3 or 3 you get ... sorry 11,000 you get 3,358, if you take the 0.3 off you get a larger number which is 3,727. So the situation gets worse, not better. Thank you. I just want to make sure that is understood because if you if you are going to quote numbers in the Assembly ...

### **The Deputy Bailiff:**

I think you have made your point. Deputy Labey, do you want to respond to that? Do you want to respond to that point of clarification?

**Deputy C.F. Labey:**

Well, I do not consider that the people of St. Helier South or St. Helier anything can vote for a 0.33 of a Constable. Equally, I do not accept the people of ... well, I do not accept the people of St. Mary, St. Ouen, St. Peter, St. John, St. Lawrence and Trinity can vote for 3 Constables. So the figures are completely obscured.

**5.3.11 Deputy J. Renouf of St. Brelade:**

The greatest negative effect of the proposal that was voted on in the beginning of March was the extreme disadvantaging of 2 electoral districts which are way outside the Venice Electoral Commission guidelines. I think that should be a matter of great concern. I think this amendment has the effect of correcting the very worst effects of P.2. It does seem concerning to me, I will say, along the way that people seem to want to find reasons not to follow best practice as represented by the Venice Commission when I think we should want to be the best we can in that regard. I think we had the embarrassing situation in the last vote in March when it became clear that Deputy Millar did not actually realise that her proposal significantly increased unfairness in the electoral system. Her report said: "We can retain the current more equal electoral districts for Deputies, retain the Connétables and reinstate the Senators, under this arrangement the voting system would maintain its existing level of equity." She apologised for that but I do think it is indicative of the lack of thought that went into bringing this, there was a casualness. I think this amendment goes some way to correcting the problems that arose out of that casualness. As I say, I think we should all be deeply concerned about the issue of voter equity. We all do like to talk the talk when it comes to increasing turnout, but when it comes to making decisions, we tend to put it to one side, and I think a distorted electoral system is very hard to defend when people say: "Well our votes do not count" and you say: "Well, yes, they do not really count as much as some other votes." We have built that into our system. It has been said that we cannot solve malapportionment, and that is true. We cannot completely solve it but we can make it better. That is all this amendment does, it does not attempt to change the entire electoral system, it does not attempt to correct lots of other things that could have been corrected, it just does one thing. It just shifts the balance back to a slightly greater representation for St. Helier and that is making the system slightly more equal. The question of the exact figures and whether you include Constables, you cannot take Constables out of the calculation. That is the main cause of distortion in the electoral system. How you calculate them in the system can be done in different ways. But there is no question that the fundamental point at stake is that those 2 St. Helier districts are much more under-represented than they would be if this amendment were passed. That corrects a deficiency, the most egregious deficiency, it does not make the system perfect, as I say. I do think we should tackle this question of the number, voter equity being equivalent to the number of votes you cast, because it is not, and every time we say it, and every time we talk about this question of I do not have as many votes as somebody, we perpetuate something which we really should not as responsible lawmakers. The people in Grouville and St. Martin, they are not less advantaged because they have fewer votes. Their votes, their representatives are shared, have smaller constituencies and therefore their voting power is retained, and under the Constable's table in fact are slightly above the voting power of Members in my district. My district is slightly marginally disadvantaged, as Deputy Scott said, but it still falls well within the Venice Commission guidelines and, you know what, I can live with that. So, as I say, I think you can quibble about the exact figures but ...

**The Deputy Bailiff:**

Deputy Renouf, there is a point of clarification from Deputy Scott, will you accept a point of clarification, give way for that or at the end?

**Deputy J. Renouf:**

I will wait until the end, if you do not mind. Yes, throwing me off my point, so actually I will take it now and then maybe pick up the thread. Reserving that this may not be the end of my speech.

**The Deputy Bailiff:**

Of course, we understand.

**Deputy M.R. Scott:**

I apologise, I did not mean to throw the Deputy off his speech, but it was just because the premise of his speech is that this is better in terms of representation than otherwise and Deputy Labey has looked at figures that exclude Constables. When I was actually looking at figures that...

[15:00]

**The Deputy Bailiff**

No, no ...

**Deputy M.R. Scott:**

No, I was trying to ask about the basis of the calculation of figures on which he has ...

**The Deputy Bailiff:**

Deputy Renouf has given away and the purpose of interruption can only be in order to ask him to explain any part of his speech or for you to elucidate something that you said in your speech, it is not a chance to make another speech, do you follow?

**Deputy M.R. Scott:**

Sir, this is still a point of clarification or should I have asked for something else?

**The Deputy Bailiff:**

Well, the purpose of clarification is limited by Standing Orders.

**Deputy M.R. Scott:**

Then I would like clarification of the basis on which he has been suggesting that this is better whether he is including Constables as a fraction or not.

**Deputy J. Renouf:**

Certainly. I made clear that I was using the table provided by the Constable, and I also said that I think the argument that you could remove the Constables from the table is, if you consider the Constables table to be flawed, is even more flawed, because that is the source of the distortions within the electoral system. The Deputy system is designed to try and correct for those. It is impossible to produce a table of global apportionment given 3 different categories of Members across 3 different electoral districts. You have to pick one, and this one is one. I think it is probably the best, but under any system that you did, you would still find that putting seats back into St. Helier would be fairer than the current system as proposed under P.2, largely because of course of the excessive bias against the system because the Constable of St. Helier represents so many voters compared to other districts. But the point about the P.2 was that it casually took one Member from each of the 9 districts and reapportioned them without realising that doing so would have a greater negative effect on the Parishes of St. Helier, particularly the districts in St. Helier. This corrects substantially for that. I think, therefore, it should be supported. The fact that it reduces from 9 to 7 does not seem to me to be a huge issue. We had 6 in the past. We have had 12, 7, 9. It does not seem to me to make a huge amount of difference. It might make hustings slightly easier, who knows. So I think, as I say, on the basis that it corrects the single biggest flaw in the original proposition, I shall support it.

**5.3.12 Connétable A.N. Jehan of St. John:**

I did not expect to be quoting Mark Twain this afternoon, but there are 3 kinds of lies. Lies, damn lies, and statistics. I could also say, be careful what you wish for. The current system was not just

thrown together. The current system was brought forward after lots of discussion, lots of hard work by lots of different people, to try and get as fair and equitable districts as possible, notwithstanding the retention of Constables with its own quirks. I think what the Constable of St. Helier has tried to do is mix constituencies. I represent the constituency of the Parish of St. John. My colleague from St. Lawrence represents the Parish of St. Lawrence, and my colleague behind represents Trinity. What my good friend the Constable of St. Helier has done is put us all together in one of the 9 districts, and I think that is where things get confusing. But it has not changed. That was the result of taking 9 Deputies, one from each district, it is very simple. But you need to be careful of the consequences. If you are going to go back to your districts tonight or tomorrow night and say: "We have got Senators, but we have lost a Deputy here and there" be careful what you wish for. The effort that was put into the existing system was significant. I think if we are going to make a change, it needs to be as fair as possible. I think people may be upset about that, if they have aspirations to be one of the 9, they may be now becoming one of the 7.

### **5.3.13 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

I do not know if I am going to contribute greatly. It was more to pick up on a couple of points. One of them was in Deputy Renouf's speech where, in many ways quite rightly, he talked about voter equity and what it really is. He was not wrong in what he said, but that is part of the problem, by reducing the statistics or by reducing this subject matter to statistics, I think the last Assembly, in making the changes to the system we currently have, fundamentally misunderstood the feelings of people and, most importantly, the perception of the electorate. Deputy Renouf and others may be entirely correct in pointing to the 0.3s and the 3 and the whatever, the numbers, and being able to say well this is a fairer equal system. I said that. What was totally misunderstood was that people would feel like they have less for a vote, and that goes to Deputy Millar's point earlier was that they literally counted the number of votes they had and under the Senatorial system they had effectively ... it was 8 at the last count and so somebody in St. Lawrence in the old system had 2 Deputies, one Constable and 8 Senators they could vote for, so they felt like they had 11 votes. Suddenly, in this new system somebody in St. Lawrence, as Deputy Millar quite rightly pointed out, had 4 votes. So it was that feeling of a theft of votes that really struck a chord with the population when I have spoken to them. You could sit there and quote the statistics about equity, and saying how this is now a fairer system as much as you like. They felt like they had had votes stolen from them and, in the case of my district, they felt like they had had 7 votes stolen from them, which was significant because the number they felt they had had stolen was a lot more than the number they now had. They went from 11 to 4 so they had lost more than they were currently keeping. That to me is the fundamental problem here. One of the problems in a democracy is that sometimes you can do your analysis, you can do your statistics, you can prove that on paper this all works, this is a much better fairer system, but if the person in the street at the end of the day feels like they are now losing something or they are in a worse situation than they were before, then they will feel cheated and it does not matter how many statistics you quote to them. It really does not. That I think is the issue we have here today. It is the sense of having had 11 votes, they have now got 4 votes. That is unfair from their perspective. That is what I think the main proposition, not the Constable of St. Helier's proposition, seeks to get at. That for a population to feel like they are represented properly, they themselves have to feel that that representation is fair to them. They have a system, they had 11, 12 votes, whatever it may be depending where you are in the Island, now they just have a handful of votes, 4 or 5 votes at most. That is what made the population ... at least in my district, in my constituency, that is what upset them and made them feel so angry. That is what I wish to restore to them is that sense of feeling that it is a fair system because now they can vote potentially for 11 representatives in this Assembly. They suddenly felt like they were just voting for 4 representatives so they were then, in their minds, fundamentally under-represented from what they had before. That to me, I think, gets to the heart of this misunderstanding. To be honest, it is something which is one of the issues with democracy is we can do all the workings out and realise on our desktops that this new system is a better system, it

is fairer, et cetera, but if you leave people feeling cheated they will react. I wanted to make that point most keenly and it was just Deputy Mézec's point, because I was one of the people saying I think that is wrong, and the reason I thought it was wrong is because in the Venice Commission it says: "The geographical criterion and administrative or possibly even historical boundaries may be taken in" and it was the historical part. But it was the historical part which meant to me it was not just about geography, it was about history as well, and this is as much about history as it is about the geography of Parish boundaries. That is why I felt I was right. I will not say that Deputy Mézec is wrong, I will say we interpret the same thing differently and I think that will be fine.

#### **5.3.14 Deputy I. Gardiner of St. Helier North:**

I would like to encourage Deputy Morel to think through the feeling that he raised, because we need to find a way. It is not perfect; right, we know. Obviously we know that St. Helier North is very different from St. Helier South and until this vote I personally voted to take Senators out, up until the last vote, because I did have a constituency surgery and there were a couple of constituents that wanted to keep system as it is. The feeling of most of my constituents was to restore Senators. Saying this, the equity of the world is important. Now, if we are talking about 11 votes and this is what Deputy Renouf said, the gap is substantial, and the Connétable of St. Lawrence also said we might need to consider 7 and not 9. I do not have any problem with the 7 personally because I believe we need to explore it. We did have a proposition before, we voted them out, but I cannot see how 9 is better than 7. But if Deputy Morel is thinking about the feelings of his constituents plus the numbers, simple calculation, you have 7 Senators, you have 3 Deputies and one Constable, you are still going back to 11 votes that the constituent will have. From one side, the constituency will have more votes and in most places it will be between 10 to 11 votes that they will have to cast. You are not keeping St. Helier North ... 40 per cent maybe 30 per cent now, but substantial misrepresentation for St. Helier North and the vote that the representatives from St. Helier North will carry. So I do believe that 7 is good, right in the middle, when you have the same amount of votes that previous people had in their constituency. At the same time we are not perfect but we need to get this equity back.

#### **5.3.15 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:**

Very quickly, just to follow up the argument about voter equity versus voter influence. I think that the Constable of St. Lawrence was right. I have been working on this for 20 years. If you are going to stick to the Parish boundaries or utilise the Parish boundaries in any form of constituency you are never going to get that voter equity that we all strive for, what we class as perfection equally. I do not have my spreadsheets with me actually, I did not think I would need them. I wish I had bought them, but the Constable's figures are ... they change things significantly if you ... I have 4 votes, not 6, in my Parish. The constituents in St. Helier, they have 4 or 5 votes depending, because they will vote for a Constable. Interestingly, I wonder what the figures would do if we actually based the population figures on the people that voted. Because if you equate that to the number of people that turned out, it would probably be the fewer people that turned out in St. Helier. I am not sure if it is relevant, but they have greater power than most of the other Parishes just in relation to the number of people that turned out. So no matter how much we debate it, we are never going to find that magic formula that matches us all up so we are all in equity. I have noticed the biggest comment I have had from parishioners or constituency members is they feel a disconnect from the Assembly because they are voting for far fewer Members. If you look at the numbers, they are relevant to us, but in the terms of when you look at the voter equity in larger countries and cities, where the percentage might be very close, but there might be thousands of numbers of variants to the population, and we are sort of ... we vote from roughly the population variances between 2,000 to 3,500 per Member. It is relevant to our small community, but they are not vast numbers, I would argue, and they do not make a lot of difference in this Assembly. So I feel like we are in a TV quiz show, do we stick and stay with the safe 7 or do we go for the jackpot and go for 9? I do not really know, but what I do know is that this Assembly made a decision in May, we are now here to put the legislation around that decision, but it

is going to be an interesting one for Members. I say in the case of our small Island voter influence, it is more important to Islanders than looking for that magic number of voter equity, because even with greater voter influence, the voter equity is not hugely different in relation to the number of people in this Assembly.

[15:15]

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

I was moved to speak because I was so disappointed to hear the Chief Minister suggest that perhaps the number of representatives should be thought about in terms of the number of people that actually vote. You do not encourage people that feel disenfranchised and do not vote because they think that their vote does not matter and will not make a difference by disenfranchising them further, and I would like the Chief Minister to rethink those thoughts that he had. Also the comments around voter influence compared to voter equity; well that is the point - voter equity means that there is equitable influence across this States Assembly per voter. That is really important. I am disappointed with the decisions that the States has made to further reduce our voter equity, particularly for our most populated areas of St. Helier and St. Saviour who are most affected. The Constable's amendment does go some way to remedy that but still - and I will support this amendment - even with this amendment we are taking a great step backwards in terms of voter equity. I worry about what that says to our most populated areas around what this Assembly thinks about the people that live in those areas compared to the people that live in the country Parishes. I have been quite disturbed to hear some of the comments that have been made today in this debate because I think we had come so far in relation to our understanding of voter equity and how it is about each voter having an equal representation in this Assembly. The number of votes that somebody casts does not impact on that equal representation. The figures that are in the Constable's amendment do demonstrate that, the figures that we have looked at before, and I am reminded of all of the work that was done in the previous Assembly. Contrary to what Deputy Morel said, those figures do matter. Us taking notice of those figures, that matters as well. It matters to those people that we are going to disenfranchise further, and I hope that it does not have a further negative impact on voter turnout, particularly in our more populated Parishes.

**5.3.17 Deputy P.M. Bailhache of St. Clement:**

This morning the Constable of St. John was talking about the referendum in 2013, and rightly lamenting the atrocious decision of this Assembly not to implement the decision made by the people. But it is worth recalling, I think, that what people were voting on in 2013 was a proposal for 6 electoral districts where not only were the number of representatives per district more or less the same, but the number of representatives for whom each voter could vote was also the same. What Deputy Millar did in her proposition relating to the reintroduction of Senators was to preserve the voter equity in terms of the number of people for whom each voter could vote, but to diminish the equity of representation in terms of the number of representatives represented by each Member. That was a pity I think but it is a reflection of legislating on constitutional matters on the hoof and not giving proper consideration to all the implications of changes which are being contemplated. The Constable of St. Helier's proposition may conceivably make the voter representation a little better, but he does so at the cost of making much, much worse the voter equity as explained so well by Deputy Labey of Grouville. Grouville and St. Martin will be reduced to 2 representatives, whereas a constituency in St. Helier will have 4 representatives. That is outrageous. Why should people in Grouville and St. Martin only be able to have 2 representatives when those in St. Helier have 4? There is no justification for it. So I think this amendment of the Constable of St. Helier is misconceived and Members ought to vote against it.

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

I am just digesting the previous speech, which I may respond to. I think the simple answer to the Deputy's final question there was that there is a far greater number of voters in St. Helier. That is something that seems clear to me. I am grateful to the Constable of St. Helier for putting those numbers very clearly in his report. I am going to support this amendment. I am going to vote for it because I am going to follow the evidence on this one and I am going to stick with my principles. The basic principle of having a high quality, more democratic Assembly means that I will vote for this. I think Members who supported the change back to Senators ... and I do understand some of the reasons why and the appeal behind the Island-wide vote. I think this is a compromise. It was a very close vote and I think there may have been Members that were still unsure, even though they supported it. I think that this does present us with a compromise, as Deputy Tadier said earlier in the debate, to make it less bad. In that sense I will be supporting it.

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

I do not really have too much to add but the Deputies of ... we like to think of ourselves as district 1 but perhaps I will say we are from St. Ouen, St. Mary and St. Peter, and the relevant Constable - and that is only one Constable, not the other 2 - received a message from a parishioner this morning. This is a parishioner who I think I am right in thinking has sat on the Statistics Board that used to oversee the work of Statistics Jersey, he has had a number of conversations with the chief statistician. They sent us some tables. I am not going to try and decipher all of those tables, although I am reminded in looking at them that we remind ourselves - those Members who have been praising the new system - that the turnout was not improved. In fact if memory serves it was slightly down. At best it was the same. I think we should not lose sight of that and I think one of the reasons was - for all of the reasons that those Members have spoken about - that Islanders felt that they had had votes removed from them, and they felt to some extent disenfranchised. This constituent or parishioner goes on and makes a number of points about why there might be low voter turnout at the election, which I will not go into, but he simply in his final sentence, which I think is repeating, says: "Vote more Senators, not less."

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

I cannot help but stand and support the Constable of St. Martin and Deputy Labey. I am really concerned that the Constable's numbers and tables are misleading. There is no question in my mind that Grouville and St. Martin are one constituency, but when it comes to the representatives that parishioners in those 2 Parishes have, they do not have 4, they have 3 in this new system proposed here in the first table by the Constable. The Constable of Grouville does not represent people who live in St. Martin. That to me is very clear. These numbers are misleading and I really implore the Constable of St. Helier to withdraw this table. If you apply the correct division to it Grouville and St. Martin ends up at 3,116 population per representative, and when you apply that to the St. Helier districts that number in Grouville and St. Martin's is the highest of any of these 9 constituencies.

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

I have to ask Members to forgive me if this is all too complicated for me. I did withdraw from the education system very early, but I feel like I am looking at a king with no clothes on and I seem to be one of the only people that can see it. Perhaps the Constable could explain to me in his summing up, and genuinely forgive me if I have got this wrong, but in the old days I had thought that Senators were representatives, and perhaps they do not appear to be because in the Constable's table he only shows 40 positions. I have heard a lot today about voter equity but surely if we really wanted voter equity - and as I say, this is where I need to be corrected - surely we would have 37 Senators, would we not? Or do Senators not count? Do they get voted in and do not do anything? Because I would have thought that Senators are representative, and not only are the Constables not being calculated properly here but we do not have a column showing us the effective representative of either having 7 or 9 Senators. It strikes me if proper voter equity is 37 Senators, every time you reduce a Senator

and divide it down into Deputies you reduce voter equity. There might come a point at which that goes the other way, but it would have been very helpful if the Constable wanted to make a good point to (a) have got the Constables right, and (b) have included the 9 Senators or 7 Senators to show us what the real representation is. As I say, I have lived a long time with Senators and when we were building a business I used to rely on them quite heavily. I found that they were representatives, they were not pretend or anonymous, they were there and they were representatives. So perhaps the Constable can tell me why he has not included those numbers in his chart.

#### **5.3.22 Deputy C.S. Alves of St. Helier Central:**

I will not go into the detail of the numbers because quite frankly it depresses me that we are having this debate, especially when I spent hours, days of my life to get to the proposals that we settled on in the last term. However, I do take issue with a comment that Deputy Gorst made where he said that he believed the reason why our voter turnout was slightly down was due to the loss of the Island-wide Senator role. I would like to draw Members once again - like I did in the original debate on this - to the results of the J.O.L.S. (Jersey Opinion and Lifestyle Survey) survey that was done immediately after the last election. On page 21 there is a very clear graph bar chart which shows people's reasons why they did not vote. The loss of the Island-wide Senator role was at the bottom of those reasons, with 3 per cent. The top 3 was would not make a difference, at 30 per cent; do not trust the political system, at 28 per cent; not interested in the elections at 24 per cent; and did not know enough about the candidates at 22 per cent.

[15:30]

So I think Members should really think very carefully about the real reasons why people are not coming out to vote, and that voting against this amendment will not encourage people, it will do the opposite.

#### **The Deputy Bailiff:**

Thank you, Deputy. Does anyone else wish to speak on this amendment? I call upon the Connétable to reply.

#### **5.3.23 The Connétable of St. Helier:**

I clearly have a bit of work to do. We have been into a pizza restaurant, we have been into the opticians, and quite a lot of Members have gone down a rabbit hole. I will do what I can to explain the purpose of this amendment. Deputy Bailhache said it was an outrageous amendment, and he asked the question: "Why should people in St. Martin and Grouville have fewer Members in this Assembly?" Well the answer is because there are fewer of them. There are not so many people living in that district so they have fewer representatives. This was the point that Deputy Mézec was trying to make with his pizza analogy. Perhaps I can make it even simpler. Let us imagine 2 electoral districts, district A has 1,000 voters in it and they have 10 seats in the elected Assembly. Each Member can vote for 10 people. District B has 10,000 population, they can vote 10 seats in the Assembly. Happy days, all those people can vote for the same number of representatives. But hang about; is that fair? Is the basis of how we organise parliamentary democracy? I think if you tried to do that in the United Kingdom or in France or in America there would be a revolution. If I can put it really simply, the whole basis of representative democracy is that electoral districts are arranged according to population. They are not arranged according to how many people turn up to vote, and that is a ludicrous idea, as has been pointed out by some of the speakers. They are arranged by population and that is why St. Helier has more Members in it than Grouville, St. Martin or wherever, because there are more people living there. If you take away representatives from the most populous district, even if you put in 9 Senators - to answer Deputy Tom Binet - the Senators are not here because they do not make any difference. Everybody can vote for the 9 Senators or the 7 Senators, so that is not a problem. They do not need to be in the calculations. But if you take out electoral



representatives from the town and you leave them in the countryside then how are people going to feel in town? There was quite a few misunderstandings, I think “misunderstanding” is in a lot of my comments, but just to go through. I am grateful to Deputy Ahier for pointing out the P.P.C. position which is that this amendment makes the situation slightly less inequitable than it will be if it is not approved. Deputy Millar started off the argument, which got increasingly loud as the debate went on, that it is all about how many people you can vote for. I go back to my 2 districts, A and B, they can both vote for the same number of districts but one has 10 times more people in it than the other one, and that is why it is not fair. That is why there is more political power in district A than in district B. I have referred to the opticians and the pizza restaurant, I am just trying to see who else I need to pick up. I do accept Deputy Ward’s point that the central district of St. Helier remains slightly worse off, even though amazingly it has 5 Deputies. One Member - I think it was the Constable of St. John - talked about going back to the Parish this evening to announce that they are losing some Deputies. If you look at my 2 tables there is no difference in the number of Deputies. You are not losing any Deputies, what you are doing is taking 2 Senatorial seats and trying to redress the balance in the town, so that is a misunderstanding. I think the Constable of St. Martin realises that her area will not be, as she says, quite badly off; it will still be slightly over-represented when it comes to the political power of those people who vote. Deputy Morel talked about statistics, and there was a view from several Members that there is something wrong with the tables. These tables were compiled by better minds than mine. They have been checked by the Greffe; they are absolutely accurate. I say in my report that for the purposes of this amendment I have included the Constables and the Deputies together. My report says, yes, I accept that there is a difference between a Constable and Deputy - I know it - and you cannot of course vote for 3 Constables if you live in one of the bigger Parishes, the super-constituencies. But when it comes to the power at the ballot box over the policies of this Assembly - and that is what really matters - it is not how many people you can vote for, it is how much power the people you vote for are going to wield in this Assembly. I am just seeing if there is anyone else I need to answer. I am very grateful to both Deputy Feltham and Deputy Alves. Poor Deputy Alves says she is depressed, she has probably got a pillow over her head at the moment at home. The amount of work she has done with her fine brain, she absolutely gets it, and I think there is a minority of Members who understand parliamentary democracy. That is a slightly depressing thing to be saying in an Assembly because judging by the speeches I have heard there are some really quite intelligent Members of this Assembly who really do not get it. I wish I could invite Abraham Lincoln in here and ask him just to explain to the Assembly what do we mean by fair representation, or any other of the giants of history. So my report may simply be a bit thin, I perhaps should have explained in more detail why it really matters that where you have more population you have more Members of Parliament. I kind of thought that was obvious. I am concerned if this amendment does not go through that we will be taken to task as a jurisdiction once these figures become widely known, because they are pretty bad. As Deputy Mézec said, we did not have them in front of us when we voted on Deputy Millar’s original proposition, and that was something I regret. In closing, I will say that if this amendment is lost and P.56 goes through unamended, then I feel because it was such a close vote I only have myself to blame. I maintain the amendment.

### **The Deputy Bailiff:**

Is the appel called for? The appel has been called for. Members are invited to return to their seats. This too is a vote which requires 25 Members in order to be adopted. I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The amendment has not been adopted.

|                            |  |                           |  |                          |
|----------------------------|--|---------------------------|--|--------------------------|
| <b>Pour: 24</b>            |  | <b>Contre: 21</b>         |  | <b>Abstained: 1</b>      |
| Connétable of St. Helier   |  | Connétable of St. Brelade |  | Connétable of St. Martin |
| Connétable of St. Lawrence |  | Connétable of Trinity     |  |                          |
| Connétable of St. John     |  | Connétable of St. Peter   |  |                          |

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

#### **5.4 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025): fourth amendment (P.56/2025 Amd.(4))**

##### **The Deputy Bailiff:**

The next matter is the amendment lodged by the Comité des Connétables and I ask the Greffier to read the amendment. Forgive me, the next one is the amendment of Deputy Tadier and I ask the Greffier to read the amendment. Are you content to take your amendment as read, Deputy Tadier? It is lengthy amendment, 3½ pages long.

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

Yes, Sir.

##### **The Deputy Bailiff:**

Thank you very much. The Deputy will propose his amendment.

##### **5.4.1 Deputy M. Tadier:**

I was not expecting to be called just now, so I had been trying to prepare an infographic for Members just to explain the timeline about what an election would look like, but I would be happy to explain that. I know the Greffe does have something which is in an Excel format if that information is required, but I think that is perhaps key to weighing up this decision. I think we have got a bit more certainty about how things are looking for the next election, which I think is welcome even if we have been on maybe different sides of the argument up until now. I reiterate the position that I am still open-minded to bringing Senators back and that Senators I think could well play a more permanent part in future elections and it be a mainstay, but I think it will always be open to evolution and perhaps to other roles changing in the future. I would simply preface that by saying I would also expect that the Deputies' roles may change if Senators continue. I say that really to preface what I am talking about because this is really focusing on the distinctions in the rules or at least the idea that if we are going to have different positions in this Assembly - which we will have, I think, if this all

goes through - we will move from having 2 types of Member to 3 types of Member. There is of course a lot being said that we are all the same but we cannot all be ... I say "we", I am not presuming to be here so when I talk about "we" I am talking about this Assembly rather than presuming that any of us will be part of that, so let that be understood in the future. There must be some distinction of course, so we would not be bringing back Senators if they did not have a slightly different role to play socially and politically in democratic life, otherwise we would just stick with what we have got or even seek to just have one type of States Member. So there must be at least a slight difference in Senators and Deputies. The difference will be - and this is what the public who want Senators to come back seem to be saying to us - that we expect to be able to vote for a certain number of people on an Island-wide basis and we expect that those candidates who get elected will for some part take high office and that we would certainly expect that the Chief Minister comes from those 9 Senators. By the way, none of this is necessarily what I believe but these I think are the consensus messages that we get from the electorate. There is also a strong message out there which says, not universally, but we expect the Senators who come forward and are successful to have some degree of political experience already. So while we as an electorate might make the occasional exception and we might vote for somebody who particularly impresses us at the ballot box, we will by and large - and the evidence has proven it over the years - be going for Members who have either served as Deputy or Constable, or perhaps have served previously and are coming back after a break. That is what history tells us. So with that in mind, we have to question what are the benefits of having different election periods and different election days, given the fact that since the introduction of Senators in 1948, for the vast majority of that time there were separate election periods.

[15:45]

The way it worked is that Islanders would first vote for their Senators, whatever the number was - it used to be 12; we know it is being reduced - and they would do that on the basis that the Senators were somehow the senior Members of the Assembly. Of course they were senior in that sense because a lot of them were former jurats, certainly when it was replacing the jurats' role. But over time it became seen as a senior position and the one from which the heads of your major committees would be elected. There is still that expectation I think today that the top job will come from a Senator. I think it is still inconceivable - although there is no reason democratically that it could not happen - that Jersey's next Chief Minister will be a Senator. I would take odds on that and I would not bet against it. With that in mind, I then move to the question about where all the electoral focus is going to be and also where the media focus and attention is going to be, including the electorate's focus. I think we live in an age where we are constantly getting bombarded, much more than we used to in the past. I have had some great conversations with some Members of this States and others outside about how elections used to be. We cannot unfortunately in some ways go back to the days of the horse and cart when you would go around with a bandstand, and that there would be an accordion band on the back of the cart and you would go around the Parish - or the Island if you were running for Senator - and it would be a bit of a party atmosphere. Then on election night there would be a great party for those who were successful at getting elected. It is a much more subdued atmosphere but it is a much more intense election period, is it not? Those of us who have done it know that those 5, or indeed 6 weeks which is currently being proposed ... the election period is one we need to get back to because I think currently what is being proposed for the single election day feels instinctively too long. It feels like there could be a lot of election fatigue; especially for candidates. That will be a very busy period because candidates will not only have to be out there putting up posters if they want to, putting up banners, getting them ready before preparing their information, knocking on doors if indeed that is the way that they are going to campaign, responding to social media in the various forms but also being scrutinised on social media, having to respond to journalist's questions, deadlines from the States Greffe. It is going to be difficult enough for the candidates, let alone the public, to be able to keep up with that one big election that is going on, the important one for 9 seats, let alone to have to keep up with what is going on in their district, which

could be the supra-Parish districts, as Deputy Mézec said, or internally for the Constable elections. Remember, they will all be contested one way or the other. Gone are the days where Constables do not have to face an election. They definitely have to put a manifesto out nowadays. They cannot sit back on nomination day knowing that nobody else has come forward and it is a done and dusted deal. They will still have to go to their electorate; they will still have to put their ideas out there. What I am suggesting will happen as an unintended consequence of going back to the 3 different positions is that human nature and media nature will be that all of the interest and focus will be on those 9 Senatorial seats. Who is going to go for the top position? Where are the interesting debates going to be held? Who are the new faces that are coming out for Senator? Who are the old guard that are perhaps seeking a promotion and to take that top job, and who will he or she choose for his Ministerial team? There will be very little scrutiny going on for what is happening with Deputies and Constables, and they should be distinct periods, I would say. So I think there is merit in having those 2 distinct election periods. One of the counterarguments that I have heard, and I must say I was really disappointed with a media interview that I gave in good faith, because I thought I was asked a multitude of questions, all of which related to some of the advantages and I was put a couple of questions that I addressed. The overriding headline that the TV journalist seemed to want to go with was that: "It is going to cost a lot of money, we are going to have 2 elections and it is going to cost this amount of money." Completely not focusing on any of the potential benefits that I am seeking to outline here. Of course, yes, there is a trade-off. We are going to hear perhaps from the Parishes that it is going to be difficult to run 2 election days at the weekend. I do not want to belittle that in any way but I would say that it has been the case in the past that there have been 2 election days, and albeit that they were in the week, I think there is a trade-off. If the Parishes want to be brave and put a call out for volunteers we know that there is a whole multitude of people who will volunteer in Jersey to come out and be counters, to help administer elections. But I do accept that it will mean that there is an extra election period and an extra cost involved with that, but I would say that I think it is money that is well spent and that you cannot put a price on democracy. The other counterargument we hear is really one of a kneejerk one, and it is one that plays to the increasing stereotype that all States Members are useless. When I heard the J.O.L.S. survey being quoted by Deputy Alves there for reasons why people do not vote, there was kind of an unwritten one that was at the top, it is because we all think you are a bunch of XXX or whatever. The mentality has gone out there that we are all the same, that we are all useless, we are all self-serving. That is not just because of what goes on in Jersey, I think it is because that is the way politicians are being perceived around the world. Of course we know that is completely unfair. So there is a general mood ... of course on the other side of the coin is why would anybody put themselves forward for election because we know that in Jersey especially it is a goldfish bowl. We know that all of your behaviour is scrutinised, we found that out very recently, and that goes for even the minutiae of what we say and do even quite innocently. So the argument that comes back: "Well, is this not just another opportunity for failed candidates to have 2 bites of the cherry?" I would say: "So what?" with that argument. I used this argument in the last debate and I probably slightly honed it for a recent letter to the *Jersey Evening Post* in which I compared this to a recruitment process. I know we cannot compare being a States Member with working in any other job, I think we have proved that so far, but let me give the example. If you were recruiting in a company and you wanted to recruit a number of positions, and one of the key positions that you need to fill first because it is the most important vacancy you have, let us say it is the director of operations, you will have a number of people come forward with hopefully the relevant experience, but you can only choose one person for that role. You do not have the election period - we will have the election - but they have a recruitment process, a shortlisting process, and you choose one person. But of course there are other positions to fill. You still need to get a head of marketing and you need to get a head of H.R. (human resources) for your company because they are vacancies. So there are 2 options there. You can either say to the very good candidates who just missed out: "By the way, we are having another round of recruitment in 2 weeks, will you come back for that because we have kept your C.V. (curriculum vitae), we think you

would make an excellent candidate. We cannot promise you the job, we have got other people to see who did not apply for the first position, but please consider putting your name forward for that role and if you are successful you can get it.” That is what would normally happen in a company. You would not have a presumption in that company ... if your head of H.R. says: “No, sorry, we cannot have any failed job candidates” and you say: “Okay, are you sure? Because I have got experience to do that role and you said I just missed out for that role by a very narrow margin and I was a very good candidate.” “No, no, sorry, we cannot do that, we are having all of our recruitment processes on the same day.” Complete nonsense. You would not ensure that you would get the best person for the job. So what happens if the best person for the job is a failed candidate for another job? I think we are depriving our electorate of that choice. Certainly when we had the Senatorial meetings in St. Brelade, of course it was not well attended but it was attended mostly by people who wanted to see a return of the Senators. I did put the question to people: “How would you feel about different election days?” They said: “Yes, we think that would probably work” and they said: “We strongly feel that any Senators should previously have served as a States Member.” We had a bit of back and forth and said: “Well, there is an issue here because there are longstanding States Members here, I can think of lots of Deputies or Constables who I think would do very well as Senator.” We have got a mother and father of this House at the moment who I think are respectively ... I do not want to get them confused but certainly the mother of the House is a longstanding Deputy who I think could do very well running for Senator if she wanted to. But she may well be thinking: “Why would I bother? I have got a relatively safe constituency where I think people know me and I know them.” Of course that could go for anyone, but it could also go for newcomers. What would you do if you were a newcomer in the Senatorial race and you know that you have to go up against a big name and you only get that one bite of the cherry. You are that new candidate who wants to get that head of operations job but you have not been in the loop for a few years. You have been watching what is going on, you know that the company is not quite being run as properly as it should be; you need to go for that job but you are not sure if they will have you. You might want to try and go for that job and then: “Yes, okay, I’ll settle for the head of marketing, that is a pretty good job.” So ultimately it is down to the recruiters, is it not, to decide who the best person is for the job. In our case the recruitment team are the electorate; whether it is the electorate in an Island-wide sense, whether it is an electorate in those constituencies of Deputy, or for Constable. So let us just talk about the nuts and bolts, I suppose. In terms of the timeline what we are really looking at here ... and not everything changes, by the way, so ultimately we are still aiming for an election date of ... Monday, 8th June is when the results will be known so the election day I think is Sunday, 7th June, so all of the candidates who have been successful will be known by Monday, 8th June. It just means we have 2 election periods. So the way it will work is that our last sitting as an Assembly will be the sitting on 24th March 2026, that could go on, if there is an extension, up to 2nd April with continuation days. Then the Senator nomination period will be from 7th to 11th April, so it is a one-week period. The first 3 days, if there are enough candidates, it would be closed but if there are not enough candidates come forward by the Wednesday, Thursday and Friday will also be an option. Then the Senatorial campaign starts after that. The candidates are all going to be announced on 14th April under this system and you will have the Senatorial election day on 3rd May. So it is less than a month but it is almost a 4 week period. Then we have a little break, so the Senators can take a break and they can maybe look around. They can take an interest in what is going on in the Deputies’ elections and the Constables’ elections. I would say that if you have just been elected as Senator and you have got a fairly good idea that you want to be the Chief Minister, and there may be 2 or 3 notable Members who have emerged from the Senatorial elections who will be looking around thinking: “Okay, I need to put a team together and I cannot just do it from the 9 Senators that have been elected, in fact I might only be able to work with 3 or 4 of them.” That person will want to take a keen interest in the other 40 seats that are being elected, and the candidates of course who are going into that will be able to answer the question with much more precision I think: “Who are you going to vote for, for Chief Minister, if you are elected?” If they are reasonably politically literate they will have to say: “One

of those 9.” Unless they are going to say: “Well, I am going to vote for this person who has not yet been elected but he is running in St. Martin and Grouville” or wherever. They are going to say: “What? No, we expect you to give an answer of one of those 9.” So I think there are key advantages that having the 2 election periods will provide, which is essentially that it will give the public more information about what they are voting for at each time. I think those are the 2 key arguments that I want to make. I do not really have a lot else to bring in terms of the advantages, so to reiterate, I think the advantages are that it will provide an appropriate scrutiny and focus both for the candidates and for the public and the media, to focus on what is going on at each different election which have a slightly different purpose. The last point is that it will give more choice, both to candidates and to the electorate, in an informed way to make a decision about who they are voting for, and it may encourage competition, I suspect. I think if you have 2 election days you will get more people both from within and without, throwing their hats into the ring to have proper contested elections with hopefully great policy ideas being discussed that would not otherwise be put into the mix. So I do maintain the proposition and I look forward to what I hope will be an interesting and fruitful debate.

#### **The Deputy Bailiff:**

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

#### **5.4.2 Deputy S.M. Ahier of St. Helier North:**

The P.P.C. doubts that going back to separate election days will boost voter numbers. In fact we think it will have the opposite impact. The reasoning behind the single election day proposition adopted in 2009 was that it would boost turnout, particularly for the Deputy elections, and reduce election fatigue because here had been a steady decline in turnout for the second election for Deputies compared to the Senatorial ones held a month earlier. In 2008 there had been a 10 per cent reduction in the numbers of voters turning up at the polling stations between the Senator and Deputy elections.

[16:00]

Among the arguments put forward for change was the need to create a level playing field so that all candidates had one shot at being elected and no one was given 2 bites of the cherry. The ability for people to get elected as a Deputy when they had been unsuccessful as a Senator was not regarded as being very popular with the electorate and was suggested as one of the reasons for the lower turnout. Deputy Tadier relies on the 2022 Judicial Greffe costs, which are of course now out of date, but there is no doubt that holding 2 elections will be much more expensive and resource hungry. There are also cost efficiencies which will be lost by having to run 2 separate elections. Although Deputy Tadier refers to the Islanders who volunteer their time to assist with the elections, the Judicial Greffe is obliged to employ temporary staff to cope with the impact of postal vote and pre-poll. The task requires individuals to be available for 7 weeks on an almost full-time basis. If Deputy Tadier’s proposal is adopted the Judicial Greffe will need to seek further funding to cover the additional period of time that the temporary staff will be required. There would also be an increased burden on the Parishes who will have to run 2 elections over a 2-month period, requiring the goodwill of volunteers as well as officers working over 2 Sunday elections. The States Greffe will be required to produce and circulate separate manifesto booklets and run 2 public engagement campaigns, and it is very likely that additional funding will be required. It should not be overlooked that the burden on the returning officers would increase if this proposal is adopted. The main returning officers are of course the jurats, and they have not been consulted in relation to his proposal. It is not known whether the jurats would be able to carry out the role of returning officer in relation to 2 Sunday elections taking place within a month of each other, while also meeting their court duties. Undoubtedly one of the arguments for reintroducing a 2-stage election process is to allow candidates who are unsuccessful to stand as a Deputy or Connétable a month later. While this ensures candidates who may have come close to gaining an Island-wide mandate can have a second chance at election, it creates an unfair advantage for those ex-Senatorial candidates who will have benefited from Island-wide publicity via

the hustings, manifesto booklets, posters and leaflets. A single day election is fairer and more democratic as it provides a level playing field for all candidates.

#### **5.4.3 Deputy R.J. Ward of St. Helier Central:**

I think there are a number of key points here that were made both by the proposer and some points made by P.P.C., and I do not know what sort of level of agreement that was. I spent my time over a career trying to recruit members of staff and sometimes in difficult circumstances because there are not a lot of physics teachers around, if I am honest. I have worked in jurisdictions both in the U.K. and here where when you recruit if you get a good field you are absolutely over the moon, and you do not want just someone: "We have got somebody." "That is great. Are they any good?" "Well, they are okay, they are honestly okay." You think: "We will make do." But when you have a field of 4 or 5 the best outcome for any interview process is: "I would employ every single one of those people. We have got an abundance now of choice." We have done that. We had a time in Jersey when that would happen and you would go to another school and you would say: "Are you recruiting?" They would say: "Yes, we have got some really good people who have just come across." Because we brought people across and paid their expenses and showed them the Island we made an investment in those people, so we wanted to keep them. So we would say: "You were not successful this time, you are a brilliant candidate, there was someone even better and they fitted, but there is another opportunity here if you want it. We do not want to lose your talent, we want to use you elsewhere." You would use that recruitment process to get the best people. Let us think about that. So we paid for a lot of people to come over. It was expensive. We spent the money; we invested. But what we did was we got the best people and in the long term that investment was worth every single penny. Let us extrapolate that upwards; let us move away from a single classroom into the running of this Island, into the governance, into the lawmaking, into the decision-making that we make on this Island. If we cannot have a situation whereby we take the very best candidates, and if they are not successful for a small number of posts they get an opportunity to go for those further number of posts and prove themselves to the electorate. Now, you cannot pull the wool over the eyes of the electorate. Be very careful if you are thinking of standing and trying to do that. You may have a good campaign but you have got to go into a district then and you have got to knock on individual doors, and you have got to talk about those specific things that they want to hear, and you have got to know them. You cannot just shoehorn people into a district; it does not work. So those elections are different. There are some other features that I think are important there. It may well be that people think: "Yes, I really want to have a go at this. I am going to go for Senator. I am going to have a go at this." Halfway through the campaign they think: "This is the last thing I want to do because this is not what I thought it would be. I do not like being in a fishbowl, I do not like doing these things." They will not stand for Deputy but they may have stood for Deputy, become elected on a smaller field, and then not be the person that we thought they wanted to be. There is a check and balance in place there through that election process. I think it is slightly disappointing when we are talking about how we want to attract the best people for the job ... we want to see people who can really represent and go through the work that we have to put up with in terms of the level of understanding of every piece of law that we pass, the legislation, the understanding of that, the working with people, the people skills, the communication skills, all of those transferrable skills that you need to bring to do this to perform this role in a way that is meaningful, plus the personal resilience to take all the other stuff that comes with it. That is not easy. Because it looks like there will be Senators, a separate band - and I do not know what their role is but there you go, we have been through that - that is a real high stakes thing to go for. I think we will end up with people playing it safe and thinking: "I will be safer here." None of us can assume we are going to get elected; that is very dangerous, I would never do that. In fact I assume the opposite, but perhaps I should be more positive. But we make a commitment to where we are and so you will not get people standing for those posts and you will end up, I believe, if you are not careful, with a weaker field. I think we need to do everything we can in this Assembly to strengthen the field that is there, to ensure that

people go, and if they do not get that, if they are a few votes off - in some elections people are just a few votes off - and they cannot take part in this Assembly because they made that choice. Whereas they can say: “No, then I can now go for my district and I can make a really convincing and strong argument that I will be a candidate, I understand it” and they can convince the electorate. Our elections are different now, the world is different now; we have to be different now. We cannot assume people are not going to participate. We have talked so much about how we get people to participate, we have the voting age of 16 here now, young people becoming more engaged, we are doing more and more for Democracy Week soon, and all of the time we are going into schools and talking to young people across this Assembly. This nonsense that we do not do that; yes, we do, all of us I think have been into schools and spoken to young people. We are trying. What this says to the electorate is: “This is so important to you that you make these choices that you are going to have one specific day for the Senators, which is an Island-wide vote, and in those elections people who are standing for Senator are going to tell you why they are standing, what their Island-wide mandate looks like for them, what they think that job is about, and they are going to convince you with the policies they come forward with and their future for this Island, and then we are going to have a separate day for the Deputies which is a separate post. They are going to do the same thing and they are going to convince you because this is important that you take part.” Something that we do not do, which we should do in this Assembly, is we should say to the electorate: “You have a responsibility to engage in this democracy because you will stand on social media and make comments, ‘It is terrible what is happening in these countries, they are not democratic’ and then you do not participate. You have a responsibility too.” That is probably something I should not say publicly but I will say it. People have the responsibility to engage, so let us give every opportunity that we can. A Senatorial election on one day to say: “There you go, choose your 9 Senators. They will tell you what they are there for, they will give you their aspirations.” Some of those Senators will say: “I want to be Chief Minister and this is my vision of being Chief Minister.” If they top the poll it is very difficult to argue with that; I get that. I absolutely get that. Then as was mentioned, when Deputies come across they would say: “My first question would be: do you support the person who topped the poll as Chief Minister?” That is a really difficult question for all of us. It is a difficult question for me if it is not a member of my party. But do you know what, I should be able to answer it. That is what brings our democracy alive. That is what brings our democracy alive. Do not worry, I am not too worried about that, but anyway, I have got to be hopeful. I have got to be positive. That is what we have got to be; we have got to be positive about our elections. I think that is where we should be going with this, and the reason this is a good thing to do ... and do you know what, lots of us can bring an amendment to the Government Plan to say: “There is a bit of extra money to make this election happen this year.” It is money well spent; it is about our democracy. Fine, somebody can do that, if somebody does that I will support it, or I will do it myself. It is not a massive amount of money. As for the inconvenience in terms of people, yes, but what we do is appreciate their work. Many of us have been around the scene of elections and the commitment that people made to those elections and they do that because they recognise their civic duty and then the positive impact they have for their society. It is wonderful when people engage themselves in that, and that is the way in which our communities that we build so well maintain as strong communities. So I would urge people, if you have not thought about supporting this, please think carefully about supporting it. It is not simply about the strength of candidate but the importance of election and the emphasis we can make in it, and that duty to vote, and we can be serious about it from this Assembly and we can leave with a really clear message today to say: “Came to a conclusion that a lot of people did not like, but we have come to another decision here that is saying we are opening this up to absolutely everybody in the best way that we possibly can.” So I urge Members to think really carefully about this before you dismiss it and let us try and encourage people to get involved in our elections as much as they possibly can.

#### **5.4.4 Connétable M.K. Jackson of St. Brelade:**



I feel that the amendment is really a little bit of an ideological solution to elections, and while I appreciate the thought I think we have to read the room. In reading the room we have seen going back several years - and I do not know how many of these debates I have sat through but it is quite a number - and the last major one where we moved to a single election day was quite fundamental. That was supported and I seem to recall that debate went on for some considerable time. One of the driving forces behind that proposition was that the public were annoyed at the fact that a failed Senatorial Member could pop up a couple of weeks later or months later as a Deputy, and that certainly was an issue that I recall being quite a fundamental point at the time, and I cannot see that the public will change their views on that. Indeed in supporting the chair of P.P.C. in his suggestion that costs will increase, certainly they will increase in the Parishes and for my Parish with 2 polling stations we probably have 12 Adjoints at each - namely 6 in the morning, 6 in the afternoon - swapping over and they come back in the evenings. It is quite onerous on volunteers. Yes, I think we will get them on a Sunday; I rather hope we will. It is far more onerous in St. Helier and those Parishes with more polling stations to pull people out for those duties, notwithstanding that the cost is going to be significantly more ... I suppose double. So for those reasons I feel that I cannot support the proposition as presented.

#### **5.4.5 Deputy M.R. Scott of St. Brelade:**

I had an email and somebody suggested that I had supported this idea before and I frankly cannot remember whether I did or did not, but if I did my position has slightly changed because, as I have read through this amendment and thought about the logic and its express purpose, which it says is to ensure voters have the widest possible democratic choice at the election next year. Deputy Ward was talking about situations where perhaps you had really good candidates who stood for Senator and then did not get through, and what a waste, and that sort of thing.

[16:15]

Then I have been thinking ... and bear in mind why people might stand for Senator. Some people say it is ego; I have always thought it is people who want to represent people Island-wide. Then I go through the other type of representative for districts historically, and that is the Parishes, that is the Constables, and what I do not quite understand is why does this then refer to Deputies because the actual shortage, the thing that people have been complaining about in terms of there being a lack of democratic election has been the Constables. If you have got people who are of quality who stand to be Senator, I would have thought they would be quite capable of challenging Constables and I admired the fact that - I think it was a few years ago - in my own Parish Reform fielded a candidate for Constable. She had not been through the honorary system or anything like that, but it looked like we were going to have a choice. Unfortunately, that did not work out but that is where the shortage is. If you are going to spend £121,000 to do this, that is where it should go. I think there is a sense or potential direction here as we discuss the overall purpose of the proposition that it is fairer, the more Senators you have, the more representation you have in the population, but we have got this historical position where we like Parishes to be represented. Then you have to justify Deputies more, their number, why you have them, why do you not just simply have one for each super constituency? That is what was not really ever discussed in the referendum, about how Deputies would be distributed. I have decided, I think it was good thought, that when you developed the logic, it should have been a different proposition. I am not convinced totally about whether one should be spending £121,000 now but if I had taken this through in terms of my support, I probably would have amended it to change it for Constables.

#### **Deputy M. Tadier:**

Is it too late to ask for a point of clarification because I do have to sum up, Sir? Could I just ask what was meant by the previous speaker saying she would have amended it to go for Constables instead, just so I am clear?

**Deputy M.R. Scott:**

It is saying that you could stand for Deputies or Constables and that Deputies and Constables would be elected on the same day. [Aside] I think so. Okay, so I understand that a Senator could go for Constable or Deputy but if you are going to maximise democratic choice, you would have 3 different elections. Okay, I accept that point about you could stand for Constable but then I would rather direct it in that direction, have Senators and Deputies together and then do Constables, and it would be cheaper. Sorry, I was not clear, and the Deputy was quite right to ask me about that point.

**5.4.6 Connétable K. Shenton-Stone of St. Martin:**

I am sorry but I cannot support this proposition. It could give the impression that candidates are shopping around for any seat that they can get rather than respecting the mandate, and it really does create a 2-tier perception of Members as a defeated Senatorial candidate who then becomes a Deputy could be perceived as a second choice politician, which really does risk undermining the status of Deputies and, as the case may be, some Constables if they decided to stand as Senator and then went for the position of Constable. Standing on an Island-wide mandate as Senator but failing at the ballot box gives an unfair advantage if they then take a second bite of the cherry and then stand locally. They will already have had weeks of free exposure when the constituency votes take place. There is a chance of confusion for voters who may feel puzzled: "Did we not just vote against that person? Why are they back at the ballots again?" This undermines clarity and the democratic process and further reduces confidence in elections. When the 2 elections were phased out in 2011, one of the arguments was to avoid this cycle of rejection, re-entry and to simplify the system to enable voters to make clearer choices in a single election. The old system of 2 election dates was criticised because it blurred the line between rejections and representations and gave defeated candidates an advantage in smaller elections and, as mentioned, undermined voter confidence. That is why it was reformed. There is no evidence to show that turnout would be improved and the reason that turnout has not increased is complex and certainly cannot be set against not having a split election. We are now in September and only 9 months away from the election date that we had set on Sunday, 7th June. The Deputy has given the date in his proposition for the first election as 3rd May, which is a bank holiday weekend. I do not believe that any discussions were held with the Parishes or the judiciary as to the proposed election date for Senators, and I am surprised and concerned that the Deputy has suggested the date is on a bank holiday weekend and so close to that bank holiday weekend. I would suggest therefore that the staffing and financial costs will be far greater than he has suggested, which he has taken into account in his proposition. Bearing in mind this is a bank holiday weekend, staffing costs for the Parishes and judiciary, as I have said, will vastly outweigh what he has suggested in his proposition and - this is a genuine question - some of the staff have already booked holidays in the Parishes because it is a bank holiday and it runs into the Liberation Day, so where do we go from there? For all these reasons, I cannot support this proposition.

**5.4.7 Deputy J. Renouf of St. Brelade:**

There is, I think, one big flaw in the system as proposed in the current law which involves a single election day for 3 classes of States Members. It devalues the elections of the Deputies and Constables. All the attention will be on the Senators' election. That is kind of the whole point. It is intended that the Chief Minister and most Ministers will be drawn from the Senatorial ranks, therefore it will be dealing with Island-wide issues and therefore the media and social media will focus their attention overwhelmingly on the Senatorial beauty parade. Where will that leave the elections for Deputies and Constables on that single day? Hidden in the shadows. If there is one election day, I guarantee apart from some dutiful public service reporting by the local news media and a few hustings, there will be no attention paid to what is going on in the electoral districts. The great strength of the present system is that it forces all Members to engage in debates about all the issues that face the Island. When I sat on the Electoral Commission, that was one of the key motivations behind the proposals that we brought forward. Outside of the ex officio role of the Constables, there

would be one class of States Member, which would mean that all Members had to be questioned about Island-wide issues at hustings and you could not have hyperlocal candidates elected, and the reason why that was not a good thing is it would weaken this Assembly's ability to deal with the challenges the Island faces. Now I think we risk undermining that progress with a single election day that will devalue the Deputies' and Constables' election. It will be unavoidably invisible and there is a real cost to that. It perpetuates the myth that Senators deal with Island-wide issues and Deputies and Constables deal with local stuff. In fact, that is the only way you can make sense of an election with 3 categories that is held on the same day: "Why are there these different types of Member?", someone might ask you as they go to the polls. The Senators are elected on an Island-wide mandate and deal with Island-wide issues. Deputies and Constables are elected in smaller districts and deal with local stuff. It makes sense. There is really no other way to explain it. You cannot say that Senators are being elected to form the Government because that is patently not true. There will be Deputies and probably Constables in the next Government. You cannot even say that the Senators' election is to decide who is Chief Minister because the winner of the Senatorial election is not at all guaranteed to become Chief Minister and it also would not explain why you are voting for lots of Senators when there is only going to be one Chief Minister. The only logical explanation on a single election day to explain the different categories is Island-wide versus local. The problem is Deputies and Constables deal with Island-wide issues just as much as Senators. If Senators return, Island-wide issues will still be decided by the Assembly where Deputies and Constables cannot avoid those issues, even if they may not have been asked about them at the hustings. Once we are in the Assembly, we are all equal in terms of our voting power, so it is just as important for voters in the Parishes and the Deputy districts to endure proper scrutiny. A separate election day will return the focus to the Deputies and elections. It will mean that the electorate consider their local representatives in a broader light. It will give space to the debates about Island-wide issues because it is a separate election. The case can be made. It will give back some oxygen to the other 2 elections, oxygen that will otherwise be entirely consumed by the Senatorial vote in the single election day. Deputy Tadier raised an interest point, I thought, focusing on some of the dynamics that would change if we had separate election days, the idea that Senators would be elected first and that may create a little window for preparation of a new Government, a process which is pretty rushed under the present system, is quite interesting. There is another point to be made which is probably worth just reflecting on that the single election day was widely held at the time - over the years after it was adopted - as being the thing that led to the end of the Senators because people could not see the difference. They could not see the point. If you were electing everybody on the same day, why on earth did you have different categories of people? It might be a case of being careful what you wish for there. To answer the point about the level playing field being made by the chair of the P.P.C., it is not a level playing field with a single election day. The level of scrutiny will be entirely different. There are a very contradictory couple of arguments that are being presented. There is an argument that says some people gain advantage from the exposure in the Senator election and how this would be unfair come the Deputy election but then the argument is also made that people do not like candidates standing in a second election and they will be punished for it. It is both an advantage and a disadvantage it seems, and it seems to slightly cancel each other out. I think the key point here is the electorate get to make the choice. They choose whether it is a chicken run to go back to the Deputy election or whether it is a sensible response to the fact that they only lost by 3 votes in a Senatorial election and that perhaps having somebody with 10,000 votes in a Senator election, not quite elected, is quite a strong candidate to stand in a Deputy election and if they were elected in that, they would have those extra votes there as an extra bit of credibility. It cannot be both and I think, as I say, that the correct answer is that this should be decided by the electorate. What of the objections? Single election days have better turnout apparently. Well, the previous Deputy elections, when they were held on separate election days, were sabotaged by the fact that so many were uncontested. It is not surprising there was a low turnout in the Deputy elections in the old days

because they were so uncontested. In 2008, there were 4 uncontested Deputy seats. In 2005, there were 6 uncontested Deputy seats.

[16:30]

Going back in time to 1999, there were 9 uncontested Deputy seats. It is not surprising that turnout on a separate election day was lower for a Deputy election when so few people had to cast a vote. The whole thing felt much more desultory, I think, but the difference is that now we have multi-Member districts and multi-Member districts at the last election, you will all recall, had no uncontested elections. Indeed, I think one of the things that encouraged me to stand was the fact that they were multi-Member districts because it is a very different business standing in a multi-Member seat when you get to put yourself forward as one person being selected out of 3 or 4 or 5 than it is to challenge for one seat when you have to say to people: "It is me or them." If then somebody says: "Well, I prefer that person", that is it, whereas under a multi-Member seat you can say: "Yes, I get that but you have got other votes." That, I think, encourages people to stand, it makes those elections more competitive and that is a huge advantage of multi-Member seats. I think the argument about turnout is a red herring. I do not think it stands up. I think there were other reasons for the low turnout of the separate election day. Bringing back a split election will increase costs, which they undoubtedly will. Of course, bringing back Senators will also increase costs. It is administratively more complex but apparently that is not quite enough to become too much extra money, that is all fine, it is only when you get to the separate election day that we cross some invisible line that says we are spending too much money on this electoral process, and we should retrench back. It strikes me that one thing we can be sure of is that if we had passed split election days back in March, we would absolutely have found the money and the ways to make it work and nobody who supports Senators would be standing here saying: "You know what, I am going to have to row back from my support for Senators because it is just going to cost too much." If this amendment is passed, the money will be found because it will then be the only way in which Senators can come back. My final reason for voting for this, and since we seem to be majoring on feelings and instincts and emotions in this debate, is I think it will be more interesting with 2 elections. I think it will be a bit more fun.

#### **5.4.8 Deputy C.D. Curtis of St. Helier Central:**

I am pleased to follow the previous speaker. I am concerned that a single election day will limit the field of candidates for Senator and if, as some Members believe, Senators have an important role to play then we should be maximising the opportunities for people to stand and not limiting them. If we are going to have Senators, we should not be putting blocks in the way of people standing but that is what we will be doing by holding Senator and Deputy elections on the same day. We should not make it harder for people to stand for elections. It is up to the electorate to make their choices, not up to us as the States Assembly to try to shape or limit in any way those who might stand. I think that if the Senator and Deputy elections are held on the same day, that there will be current Deputies who will not put themselves forward. Perhaps those of us who have only served one term and who do want to continue in their role but do not have the confidence to be sure that they would be elected as a Senator and yet some of these Deputies could be the choice of the electorate to hold a Senatorial role. By holding these elections on the same day, we are limiting the choices available to voters and that is antidemocratic. If the elections are to be held on the same day, I expect that any sitting States Member who puts themselves forward for the Senator elections will be Members who have a great deal of confidence in their abilities and their popularity, whether those thoughts are justified or not. Alongside these self-assured Members, there will be newcomers standing who think they have nothing or little to lose and newcomers are unlikely to have the skills and knowledge to go straight into a Ministerial role, as I think the successful Senators would be expecting to do. There may be exceptions but it is perhaps too much to expect of a newcomer to the role so we could end up with a Senator election with a small number of sitting States Members and a large number of newcomers. My own memories of Senator elections are of the days when they were held on separate days. That

is how it has worked for, I think, 63 out of 74 years. I think it was only for 2 terms that this changed to a single election day, and I do not think there is any evidence to show that that improved things. The normal practice of separate election days allowed for a clear distinction between Senators and Deputies for the voting public and it allowed for some unsuccessful Senator candidates to stand again as Deputies and there is nothing wrong with that. We have to trust the public to be able to make good decisions. I think the only valid concern about holding the elections on separate days is the extra burden placed on the Parishes and, if necessary, I would be happy to bring an amendment to the Budget that funding be made available to the Parishes for any extra costs involved. Deputy Millar, Deputy Luce and others spoke of the strong reactions they have come across from members of the public who support the role of Senator. We are representatives of the public; we are not delegates. Of course, we are not delegates but I do expect those Deputies who value the wishes of their public so highly to also understand that separate days for the elections will give those members of the public more choices and clearer choices. To sum up, a single day for Senator and Deputy elections will prioritise those Members who have great belief in themselves and those candidates with nothing to lose and prevent greater choice for voters.

#### **5.4.9 Deputy S.Y. Mézec of St. Helier South:**

It has been an interesting debate so far and interesting to hear the different perspectives. It will be, I think, amusing when it comes to the vote on this where in the previous debate Members who found themselves ferociously on opposite sides, some will then find themselves on the same side in this one, which I think gets to a point that I make frequently in debates about electoral reform which is that every one of us has a completely different and unique vision for what the perfect voting system for Jersey looks like. Every one of us has to accept that we are not going to get our way; we are going to have to compromise with one another to various degrees to get a system that is functional, democratically accessible and a good way of electing Members to this Assembly. Though I am obviously very concerned about the reintroduction of Senators, this amendment would make me significantly more relaxed about it because it would allay some of the major concerns that I have about reintroducing another class of States Member to be elected on the same day, through the same processes as all the other Members of the Assembly. I would suggest that this, as a moderating amendment, can help bring people together and hopefully get closer to a bit more unity and consensus on this where otherwise it is extremely difficult to maintain that because we all have different perspectives on how a system should be built up, but I think this has some major advantages to it. The first one is that this is a more authentic representation of what the Senatorial position had in our democracy for so many years. The position of Senator existed for 74 years and for 63 of those, they were elected on different days. Is it not funny how when the days were combined, it only took 2 years before the public came out in a referendum to vote to scrap them and then a few years after that for the Assembly to catch up with that and scrap them. That came very quickly after the roles were put together to be elected on the same day and I think that that is, for the reasons that Deputy Renouf spoke about, because it made members of the public question what on earth the point is in having these 2 different roles when functionally in this Assembly, there is no difference whatsoever between Senator and Deputy. The only difference is their constituency size. They have the same rights, same duties, same ability to serve in any role in the Assembly. Of course, the Constables are slightly different to that because they have their role in the Parishes that they are elected to as well so there is a logic in the difference there at least. But since the only difference between Senators and Deputies is the perception of seniority ... and that is all it is, it is not written into our rules in any shape or form. It is the perception of seniority and there is an expectation from the public that the most senior roles in Government will go to those elected from the Senatorial benches. The best way to facilitate a fair and even contest and opportunity for the public to say: "This is what our majority view is of who should occupy the Senatorial benches", is to have that free and open contest held in isolation and to do that before the Deputies' and Constables' elections provides the public that opportunity to do that, to focus on it, and then a few weeks later elect the rest of the Assembly. My biggest

reservation about reintroducing Senators to be elected on the same day is that that other Members have spoken of, which is that we are going to have a big focus on the election of 9 out of 49 Members and very, very little focus on the election of 40 out of 49 Members. Around 80 per cent of the membership of this Assembly will be elected in a system where there is not as much focus and engagement as there ought to be because people will be too excited and distracted by the Senatorial contest, which is where it is likely to be that the next Chief Minister would come from, so that is understandable. Splitting them means you get a much greater chance of having more competitive elections for the Deputies' districts. Deputy Renouf mentioned before about seats being uncontested previously. If you are having to, as a candidate, pick and choose between which role you go for that essentially offers you the same job at the end of it, that spreads out candidates across more constituencies technically, which means you are going to find them under contested as a result of that. Splitting them enables candidates to come forward, to pitch themselves for Senator. That will include new candidates as well. The other thing we have to think about is at the last election, if you were a new candidate or someone thinking of approaching it, you pretty much stood where you lived or if you had a closer association with a particular part of the Island it was easy: "I am standing. Well, I go where I live then." It is pretty easy to do that. Now we are going to say to candidates who will have absolutely no idea of what public perception of them may be because they have never run for election before: "You have got to choose between whether you pick yourself for Island-wide or district", when they have never had to do so before and that, I think, will be a calculation to introduce in the minds of prospective new candidates that will not be helpful in any sense. This argument about 2 bites at the cherry is amusing because I remember the last time I voted in a Deputies' election that was held a month later than the Senators and that was in 2008. In my Deputy district, there was a candidate who ran for Deputy who had a month previously ran for Senator and my observation of him as a Senatorial candidate was that I did not want him as my local Deputy in a million years and he did not win and I can see why, because his Senatorial campaign demonstrated to the public that they did not want him in any shape or form. But, of course, there are some who may go for Senator and members of the public may think: "Not a bad candidate, fair enough but would not quite want you on the benches occupying the more senior roles. Would prefer you to do a bit of time doing your local representation as a Deputy in the meantime." That was something that when we had the Parish roadshows in support of P.2, I did hear that from some members of the public. There are members of the public who for various reasons lament the reforms to our voting system that happened from 2008 onwards, the reduction in numbers of Senators, the aligning of terms, aligning of election days. People have all sorts of different views of that and there are still people who would prefer to go back to the 12 Senators with 6-year term system that we had once upon a time. This more accurately reflects the heritage of that role and the logic of it, the logic that gave that role some longevity that it lost when they were combined into a single day.

[16:45]

This question about cost, I really think that is being overegged here because in the grand scheme of things, it is not a huge cost by any stretch at all and there is going to be a greater funding next year to non-Ministerials in our Budget as we produce this every year and have to allocate money to non-Ministerials. There is going to be more next year to cover the election anyway and so we should adjust that number accordingly if we are going to hold the election in a different format. That is absolutely right that we should do that, and I totally agree with Deputy Catherine Curtis, I would 100 per cent support extra funding for the Parishes in order to make that happen because, sorry to break it to you, but democracy comes at a cost and it is a cost worth paying, especially to have a better election system and ultimately a more representative Parliament at the end of it. But if we stick with a system of electing different categories of Member on the same day, we will have under-contested elections and 40 out of 49 of our Members not subject to the same kind of scrutiny that they ought to - and which we all were at the last election, which was the greatest virtue of that last election - and then we get the results of those under-contested and under-scrutinised elections and then we have to

live with that for 4 years, even if it is not reflective of what the public wants. Splitting them out fixes that. It is how the roles used to be elected for the vast majority of the time of the existence of the Senatorial role and it provides a safeguard that I would feel much more comfortable with that I do not feel comfortable at all with if the roles are being elected on the same day, as I opposed that previously. I would be much more relaxed about that and so I say to Members having all of us holding very varied views on this subject, this is a way of bringing us together and hopefully getting a bit more consensus on this instead of it being so divisive, as it constantly proves to be.

#### **5.4.10 Deputy P.M. Bailhache of St. Clement:**

It is just really a question for the Deputy: 3rd May is a Sunday and I wonder if the Deputy has consulted with the Members of the Royal Court who are going to have to reside over the election on this day and, indeed, the honorary officials in the Parishes as to whether they are content to work another Sunday in order to make sure that the system works?

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

I was not really intending to speak on this, but I find myself unable to ignore it. When I arrived in Jersey, I found the different categories of States Member not at all difficult to get to grips with. Constable, Deputy, Senators; it is not difficult. I found that really simple to understand. What I always found really peculiar was 2 different election days where someone could stand for appointment in one capacity, lose, and then stand again a few weeks later. It was, as I am sure other people have said, having another bite at the cherry and it just always seemed very odd and peculiar beyond words. We seem to be supporting this for a number of reasons. Firstly, that it means if we have the dual election we will not risk losing good people. Losing good people in whose mind? Everybody will have a different view as to who is a good person to be elected or not. Every election good people are not elected or lose their seats. I can think of the former Chief Minister. Some people would say he was a good person. He lost his seat in the last election. Some people would say possibly that was an absolute right thing that the electorate turned against him. I am not going to comment on that, but every election good people lose seats. There were good people at the last election who were not elected and some of those people got more votes than some people who were elected. That is just by the by. The voters decide who they want, and they decide from the pool in front of them. I would also say that everybody who stands in an election in any capacity has to make a basic risk assessment: what is the risk to me of standing? What is the risk if I do not get elected. I took a very big risk because I gave up a very good job to stand for election, and I did it on the basis that if I was not elected I would find something else, but you make that decision. People will make the decision as to whether they stand for Senator or Deputy or Constable and I agree, it would be good to see more contested Constable elections. That would benefit our democracy. Most of us, I think, would agree with that. As Deputy Renouf said, having more than one Deputy in each district makes it easier to stand for Deputy because there were cases where people were reluctant to stand against a sitting Deputy, but you make that decision. If you decide - going back to Catherine Curtis - what your confidence level is or what you think your skills are, what you are best placed, if you decide to stand as a Senator you take the risk of not being elected. I remember very close to polling day last year, in our district there were 8 candidates for 4 seats, and someone said to me that there were 3 candidates who were clearly going to be elected, and it was a race for fourth, and it was pretty clear that I was not top of the race for fourth. That is a very depressing position to be in, but it comes down to the voters and I would suggest that if anybody stands for election thinking that they are a shoo-in or that they are guaranteed to be elected, there is something very far wrong with that democracy. Nobody should feel entitled to be elected. We all have to fight for our places regardless of what capacity we are standing in. I cannot imagine that if people stand as Senators that they are not going to go round and knock on doors and hand out leaflets and do everything that everybody else does. That would be quite absurd in the current environment. Everybody has to fight for their place regardless of the capacity and everybody should be fighting for their place, and if the electorate decide not to elect

good people then that is the choice of the electorate. Just 2 more points. One of the main criticisms of having a single election day is that Deputies will not get any publicity in the papers or the media. I think that is a bit unkind to our media who I am sure will cover the election fully. They covered Constable elections where they existed last time, where they were contested, and if our media are not covering Deputy elections, again, there is something wrong. I am sure they will cover those just as I am sure they will cover the Senatorial elections. Lastly, I would just like to reflect on Deputy Catherine Curtis's comments about newcomers, the risk of newcomers standing as Senators and taking Ministerial roles. We already have that risk. Even without Senators, Deputy Moore's Government from recollection had 6 newcomers in Ministerial positions. I was one of them, Deputy Binet was one of them, Deputy Ward, Deputy Renouf, Deputy Wilson, we all had Ministerial roles as newcomers. I do find it slightly astonishing that if Deputy Mézec has stood twice to be Chief Minister the proposition that his Government would not have included the 5 newcomers - I think there are 5 - in the Reform Party in his Government because they were new; I think that is unlikely. With or without Senators, we need to be open to newcomers taking Ministerial roles or Scrutiny roles. There were a good number of newcomers into this Assembly, and I think we have all done our job fully and carefully and with our full energies. I do not think we should ever discount the value that newcomers can bring to this Assembly or suggest that they do not deserve to be here or have Ministerial or Scrutiny or any other role that this Assembly elects them to.

#### **5.4.12 Connétable A.N. Jehan of St. John:**

I am sure, like others, I feel as though I have been in a time machine this afternoon, but here we are. There have been some compelling arguments made for this on both sides, while acknowledging the work of the Greffe, the Judicial Greffe and jurats and, as mentioned by Deputy Bailhache, the Honorary Police and volunteers. One important group of people have not been considered so far and that is the electoral administrators. Those men and women are not volunteers. Those people are our electoral administrators for the election. That is a big job and a big responsibility, and the proposal is asking those people to give up a bank holiday weekend and to participate in a second election just a few weeks before a second round. I would not underestimate the effort and time and commitment that these people put in. We should pay tribute to those people, and we should consult with them because it really is a challenge for them. Another problem with a bank holiday weekend ... and I firmly believe we will get volunteers to assist us on a Sunday, and I am confident I could get 2 teams of volunteers on 2 different Sundays. However, I would be relying, and the other parishioners would be relying, on the same electoral administrators and the same administration staff and I think it is wrong that they have not been consulted. In terms of cost, yes, we can cover the cost in one shape or other but if the count is going to be on a bank holiday, you will also need to consider the time off you have got to give people as a statutory right to those employees. That just adds to it. This morning, I mentioned election expenses, and it would be possible for a Senatorial candidate to focus a good percentage of their £13,000 expense on a particular district or Parish. Unsuccessful in the Senatorial election, they could then spend their next allowance in that same district or Parish. That would put people at a distinct disadvantage if they had not put their names forward to spend that much money. That is not to mention the free coverage given to candidates by the media and by the Greffe. I think a lot more thought needs to be given to this, and we should not be adding to the proposed changes that we have already discussed today.

#### **The Deputy Bailiff:**

Does any other Member wish to speak on this amendment? I call upon Deputy Tadier to reply.

#### **5.4.13 Deputy M. Tadier:**

Thank you for that and thanks to Members who have spoken in the debate. I suppose the key point I want to make here is that what I envisaged was that we are going to be relaunching a category of Member that has not existed for 4 years, which some of the public may have forgotten about, others



have been clamouring to get back, and I think there are merits in having their own separate election period for that to allow the focus to be on the election for Senator. When Members have talked about having 3 different elections, let us get the terminology right here. We already have 3 different elections. It is just that they take place concurrently. There are 3 elections that take place concurrently and while I accept that in an ideal world - or perhaps not even in an ideal world - that there are logical calls to have 3 different election periods, what I would say is if it is difficult enough to get 2 election periods to go through with 2 different election dates, it would be even more difficult to get 3 different election dates. The other point is that the reason I have put Senators on one hand and Constables and Deputies on the other is that essentially Senators and Deputies are elected under the same law. Therefore, it seems to be reasonable that there is a distinction made between the 2 categories there. Parish elections, I do not see having any problem of them taking place at the same time as the local elections because in many cases, they overlap. Parish elections, certainly, in St. Brelade will be electing St. Brelade Deputies and St. Brelade Constables and of course in the other districts it will be for 2 or 3 Parishes which will be at the same time as their Constables. In essence, what I am saying is people will be going to the polling station to vote for their Constable and to vote for their local Deputies at the same time. I do think there needs to be a distinction, like I have said. I think the focus and the kind of arguments that were being made at the Senatorial elections in 2026, I would imagine, are going to focus on things like this. They are going to be: what is your vision for the Island's economy in the next 30 years? Should Jersey have a university? What are you going to do for the tourism industry? Do you think that the finance industry is completely sustainable? Do you think that there are things that we need to be doing to make it more competitive? Do you think that transport links and our interconnectivity between the islands, and between the U.K. and France are sufficient? What will you be doing to make sure that our freight links are improved? Now, I am not saying that any of those arguments will not feature in the Constable or Deputy elections but the real forum for those kinds of ideas, as well as, of course, the ideas around tax and spending: does Jersey need to raise more revenue? How is it going to do that?

[17:00]

Have we got a falling population? How are you going to make sure that we have a thriving economy that supports the population and a population that supports the economy into the future? All of those kinds of ideas are going to be at the forefront of the Senatorial hustings, however many they have. They may be in all the Parishes. They may be taking place at the sports stadia that we have in Jersey, which no doubt will be filled to the brim, who knows, "Make Jersey Great Again", would be the slogan of some of the Senatorial election candidates. That is all great and I think that deserves an election period and an election day where those kinds of issues can be spoken on at a very high level. Then once those debates have been had, I would imagine it is not about which day of the week an election is held on, it is about how engaging the election period is. There is lots of criticism about elections that have taken place across the Atlantic, that they are divisive, et cetera, but one thing we can be sure of is that elections in other countries where people are willing to say what they mean and put their ideas on the table and act on those ideas and deliver them are really what engages the public. I think with that single election for Senators taking place first, followed by a brief pause where the Deputies and the Constables will then also come into the mix, there will not be election fatigue. I think what it will be is there will be a main event, if you like, and then there will be a subsequent event where the rest of the Assembly is chosen, albeit, of course, it is the majority of the seats are going to be chosen. It is not saying that one election is not necessarily more important than any other. It is saying that the elections serve a different purpose. Let me address what I think has become perhaps not the elephant in the room, but I think it is a compelling argument that, yes, once in this 4-year period we are going to be asking some Parish staff to be working on a Sunday and it will be over a bank holiday weekend. If it was in my gift to suggest that there is anything that could be done to move that, I would have thought better of it but what I would say is I do not think it is a reason not to do this. I think we ultimately have to put our wider democracy on the line here and say that if this

is a good idea to do, we should do it anyway. I think there should be sufficient members in every Parish who would come forward, as we know people do in the Island, to volunteer for different events. I know, for example, that there are different sporting events going on over the autumn. There have been some already. I am an amateur runner. I do not know if I qualify yet because I have probably stuck at it for 6 weeks and I have not done any great distances but I know and I do follow people who do half marathons, who do marathons, and they will be going out in the wind and the rain over the weekends to give up their time to make sure that the runners are safe and that they are watered during the course of that marathon. Candidates will be doing their own marathon, whether it is running for Senator or running in a different election, and I do know that if we all put a call out for help within the Parishes that there will be no shortage of people who come forward for service, even on a weekend and I think there is a trade-off. Yes, of course, we are doing Sunday elections because it is going to bring more people out. That is the idea. That is the hope at least. It remains to be seen but it also means that a different type of person who usually works in the week can put themselves to volunteer. I would suggest that we put a call out for people to be trained up now to be electoral administrators to assist and we also know that Adjoints can be appointed under the States of Jersey law. I think Article 17 says that it does not have to be jurat, another public official can be appointed as Autorisé for the poll in each electoral district. That, of course, is common sense. There are only 12 jurats so should one or more of them not be available, there would need to be other people who could be put into their place. An Autorisé could be anyone else who is sworn-in to do that role. I think this is a chance for the Parishes to lead by example. I am not saying it is a small ask but I know that the Parishes do treat their staff well and there will be a long enough lead-in period to say that those who are available to work over the weekend, that is great and we will make sure that perhaps they can be given some time off in lieu and be given another day off at a time when they might also want to avail themselves of that. I do not make, by any means, any small money of that. We do appreciate the work that goes on in the Parishes, but it is a joint effort for a very important election that will take place ultimately not just to elect 9 Members of this Assembly but 9 Members from whom the next Chief Minister will no doubt come. I just address that issue first. I think I have addressed Deputy Scott's point, and it is correct that she did vote for this the last time round. I am not necessarily going to say that I think she has understood it better this time. Hopefully she can transport herself back to the first debate that we had and perhaps recollect why she voted for it the first time around because I think that is quite important. I think she got the ultimate argument that there is benefit to having 2 different election periods. I think Deputy Renouf hit the nail on the head when we seem to be given 2 different arguments. We are told on the one hand the public do not like candidates who have had 2 bites of the cherry but at the same time that the candidates who have had 2 bites of the cherry will benefit from having name recognition and therefore the public will vote for them. Is that because the public are stupid and that they would just vote for someone if you say their name long enough and loud enough and show them enough photos of that person or is it because they want to vote for the policies that that person espouses? Let us look at the argument. I think this is a fundamental we cannot get away from. I could use hypothetical figures or real ones but let us take an election that might have taken place in 2018. We are going to have 9 seats this time but in 2018 there were 8 seats so the person who came ninth in 2018 under our system would be elected at that time. They would be a Senator. What did they have to do? The person who came ninth at that time had to wait another 4 years for the next job application process whereas in fact somebody else who might not have stood for Senator but got elected in one of the Parish districts came fourth, had the privilege of never being tried and tested and getting elected on perhaps 1,000 or so votes. That is the reality of what can happen, and it does not mean that that person would not make a good Deputy or a Constable. What is says is that when a candidate, whoever that is, stands for election, I do not think that anybody goes into it to lose. I think what they do is that they go in with the right ideas, hopefully trying to win, but the public cannot vote for everyone if there are 20 candidates so why would we exclude potentially very good candidates from being elected who could otherwise make good Deputies or good Constables? I am just going to check my notes to make sure I have not missed

anybody out at this point. Yes, I think I have made all the points I need to make so I am going to draw the debate at a close there simply to say that I completely acknowledge the work that the Parishes will need to do in this. I just ask that the Parishes would, as I said, put that call out for volunteers and that I think having the 2 elections periods will really add value to the election process. I notice the light is on for the Constable of St. John.

**The Connétable of St. John:**

Sir, can I ask for a point of clarification?

**The Deputy Bailiff:**

Are you prepared to accept the point? Yes.

**The Connétable of St. John:**

Does the Deputy agree that the electoral administrator for a Parish is the secretary of the Parish, unless another employee of the Parish, and therefore some Parishes are very limited with the amount of people they can choose from?

**Deputy M. Tadier:**

Yes, I am not saying the electoral administrator is not a member of the Parish. What I am saying is that the vast majority of people that are involved in an election, on election day, will be volunteers, and I am saying that there are different pools of volunteers that can be called upon. Yes, I accept that.

**The Deputy Bailiff:**

Is the appel called for? The appel has been called for. Members are invited to return to their seats. This amendment is not subject to Standing Order 89A and therefore a simple majority will suffice for its adoption. I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce the amendment has been rejected.

| <b>Pour: 18</b>             |  | <b>Contre: 28</b>          |  | <b>Abstained: 0</b> |
|-----------------------------|--|----------------------------|--|---------------------|
| Connétable of St. Helier    |  | Connétable of St. Lawrence |  |                     |
| Deputy G.P. Southern        |  | Connétable of St. Brelade  |  |                     |
| Deputy C.F. Labey           |  | Connétable of Trinity      |  |                     |
| Deputy M. Tadier            |  | Connétable of St. Peter    |  |                     |
| Deputy K.F. Morel           |  | Connétable of St. Martin   |  |                     |
| Deputy R.J. Ward            |  | Connétable of St. John     |  |                     |
| Deputy C.S. Alves           |  | Connétable of St. Clement  |  |                     |
| Deputy S.Y. Mézec           |  | Connétable of Grouville    |  |                     |
| Deputy T.A. Coles           |  | Connétable of St. Ouen     |  |                     |
| Deputy B.B. de S.V.M. Porée |  | Connétable of St. Mary     |  |                     |
| Deputy H.M. Miles           |  | Connétable of St. Saviour  |  |                     |
| Deputy J. Renouf            |  | Deputy S.G. Luce           |  |                     |
| Deputy C.D. Curtis          |  | Deputy L.M.C. Doublet      |  |                     |
| Deputy L.V. Feltham         |  | Deputy M.R. Le Hegarat     |  |                     |
| Deputy R.E. Binet           |  | Deputy S.M. Ahier          |  |                     |
| Deputy H.L. Jeune           |  | Deputy I. Gardiner         |  |                     |
| Deputy T.J.A. Binet         |  | Deputy I.J. Gorst          |  |                     |
| Deputy R.S. Kovacs          |  | Deputy L.J. Farnham        |  |                     |
|                             |  | Deputy Sir P.M. Bailhache  |  |                     |

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|--|--|--------------------------|--|--|
|  |  | Deputy D.J. Warr         |  |  |
|  |  | Deputy M.R. Scott        |  |  |
|  |  | Deputy M.E. Millar       |  |  |
|  |  | Deputy A. Howell         |  |  |
|  |  | Deputy M.R. Ferey        |  |  |
|  |  | Deputy B. Ward           |  |  |
|  |  | Deputy K.M. Wilson       |  |  |
|  |  | Deputy L.K.F. Stephenson |  |  |
|  |  | Deputy M.B. Andrews      |  |  |

## **5.5 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025): second amendment (P.56/2025 Amd.(2))**

### **The Deputy Bailiff:**

We now come to the next amendment lodged by the Comité des Connétables and I ask the Greffier to read the amendment.

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

Page 18, Article 11 - in the inserted Article 6G(5), for “6 months” substitute “9 months”.

#### **5.5.1 Connétable M.K. Jackson of St. Brelade:**

This is effectively a consequential amendment. We have spoken of the various changes. We have noted the various changes that have taken over previous years and this came to light that if we were not to introduce this at this stage where we were proposing the Senatorial changes, it would involve another proposition at a later time. Effectively, what it does is pushes out the present 6-month period in which a Senator or Deputy may withdraw from the Assembly and an ultimate by-election from 6 months to 9 months, purely to enable the administration to get the work in and the various elections in and so that it can all run smoothly. If that were not to happen, particularly because we have got this proroguing situation now since 2021, we would end up in a situation where if someone were to be re-elected as a new Member 6 months before a general election, by the time they got elected, there would be a very short period in which they would be sat in this Assembly to serve any useful purpose. It was felt that if that was stretched out to 9 months, it would be far more practical and enable the proper arrangements to be made, so I make the proposition.

### **The Deputy Bailiff:**

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

#### **5.5.2 Deputy S.M. Ahier of St. Helier North:**

The committee is broadly supportive of this proposal. An election places additional burdens on all those involved behind the scenes, including the parishioners, Judicial Greffe and States Greffe staff, not to mention the cost to the public. We estimate that a by-election for a Deputy, depending on whether it is for single Parish or a multi-Parish constituency would cost around £30,000 and the cost for a Senator for an all-Island mandate would ramp up the costs associated with all Island hustings and the distribution of booklets could comfortably double that sum as a conservative estimate. As the committee have noted, the current election legislation and the need for the Assembly to prorogue before the nomination period means that any new Member joining the Assembly via a by-election held close to the sixth-month limit would have a very short time to find their feet, although they would be able to obviously vote on matters for the debate for what could be less than 4 months. The P.P.C. supports this amendment.

#### **5.5.3 Deputy R.J. Ward of St. Helier Central**

I suppose the question is what is the price of democracy? Obviously, it is a bit too expensive, bit too inconvenient and we can go 6 months without representation for somebody. I will ask the question, though, which is what if it is more than one person? What if it is 2, what if it is 3; is there a limit? Is there a number? Because we never know what happens in the future, if a number of people left at the same time or if there was a significant scandal, I do not know. Who knows, we might get really exciting politics, but I think it is really important that we send a message that says if you are here for 3 or 4 months, you are here for 3 or 4 months.

[17:15]

You are representing your constituents, and you have had an election, but it is inconvenient because there is a cost. There is a cost to everything. Everything has a cost, but nothing has a value anymore. That is a real mistake we are making in our society, in my view. I can grandstand a bit and say: "We do that too often." Cost, everything has got a price, but nothing has got a value anymore it seems. What do we do about that lack of representation for a group of constituents? A Constable election would that be without a Constable for that time. That is okay? Well, perhaps Constables do not like that. Senators, such an important role. The Constables have all voted for Senators. Most of the Constables, sorry, have voted for Senators, to bring them back for Island-wide, but if a Senator leaves or steps down, then you can be 6 months without a Senator. That is okay? This is inconsistent and I think we had a point before ... I suppose it really does not matter that much, but I think we do need to have these discussions about what the price is of democracy and what we mean by the length of term and what you can achieve even if it is for a short time. Because it gives somebody a starting point. If you get elected in a by-election, you have been through that election and you have the right - the democratic right - to sit in this Assembly, even if it is for one day. You have been a States Member. As I ... no, I will not say that. It is something else I will say at a different time. But anyway, that is my thoughts on it. Sorry, I have amused myself and I should not.

#### **5.5.4 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

I had no intention of speaking on this debate because it just seemed like common sense to me, the Comité's decision, but Deputy Ward ... it is always good to hear people with other perspectives and in this one I had not thought about it. I guess it is when Deputy Ward said: "What price democracy?" and I thought, well, I think that is kind of missing the point here. There is also the level of inconvenience to the actual electors. I know there can be people who do not like the idea that they go, they elect somebody for so many months and then they are back again electing potentially somebody else. It does not give that person who does stand for election much time to show very much of themselves as the democratically elected representative at all when you have the 6-month gap. Like he was saying, it is not really 6 months; it is proroguing but also Government does not bring anything forward. They go into purdah and so on. It really is an incredibly short period of time. So for me it is not so much ... I understand Deputy Ward's principles, but this is one of those where I think principles hit reality, practical reality. I have often thought about this and thought that it should be a longer period of time between the last point where someone resigns or leaves the office in other ways and when an election should take place. So from that perspective I just think it is a good, practical compromise for, yes, the Parish in organising those elections, but I think also the electors in engaging with the election and feeling like they have had at least some time to understand their new representative. That representative has had a chance to show the things they can do before a new election is brought in. So I am speaking more out of surprise just because one of Deputy Ward's thoughts provoked my own thoughts themselves, so thanks to Deputy Ward for doing so.

#### **5.5.5 Deputy S.Y. Mézec of St. Helier South:**

Just to say that I am obviously opposing this as well. I was first elected to the Assembly in a by-election after a seat had become vacant not that long before a general election. The first part of my time at the Assembly was for about 8 months and I had promised voters in my by-election campaign

that I would hit the ground running and I would be contributing from day one. That was right. I was lodging questions before I had even had my Government email address allocated to me and in that short period I brought the proposition that eventually paved the way for legalising same-sex marriage in Jersey. I just make that point that it is absolutely possible for a capable and decent candidate who only has a short period of time before having to face re-election in a general election to make a difference in that time. I do not think they should be deprived of that and I do not think the electorate should be deprived of representation for such a long time either.

#### **5.5.6 Deputy M.R. Scott of St. Brelade:**

Just on the theme of what price democracy, I do believe that the electorate sometimes does not understand there is a price. I believe that the electorate does not realise the cost of organising elections, and sometimes they do not even realise that many of us when we organise around the election campaigns, we are funding them. I know some people think, notwithstanding all the stuff about declaring election expenses, that all their costs are covered. I think that Deputy Ward has a point. It is really important to explain to the electorate when you think: "So what, got to vote and it is free" ... in fact, this happened to me. Somebody came to me and said: "I am not voting in the elections because I wanted Senators" and I said: "Hold on, do you know how much it cost me to stand? Because I want you to think about that because your vote is free." Then she carried on a bit and said: "Well, in the last Senators' election night I voted for Deputy Mézec" and I said: "Well, yes, I understand your reasons", because she did have reasons, "but you have to understand that he did not want the Senators." So whenever we vote, we have to think about our priorities, which of course we have to do as a Government. So that is the general line. I do not think it is realistic, however much you say: "Well, people should be represented in this", they have to understand the reality of being represented and what that entails and what that entails for the people who actually stand, for the people who organise the elections. So I think we can explain that to them.

#### **The Deputy Bailiff:**

Does anyone else wish to speak on this amendment? I call upon the Connétable to reply.

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

My thanks to those Members who have contributed. What price democracy? I do not think we are putting a cost on this whatsoever, and I agree entirely with what the Deputy is saying. We would not wish to put anything in the way whatsoever. With regard to limit on numbers of States Members falling off the perch or whatever you might call it, well, no, there is not a limit and we hope it does not occur. The reality of this is that it is really a housekeeping matter, as I suggested. In response to Deputy Mézec, I think the rules have changed since he was first elected in terms of times. This is all about timescales. If we go back to this present 6-month period, it is the current timeframe which was originally introduced in 2011, when it replaced the timeframe for a casual vacancy occurring after 31st March immediately preceding an ordinary election. At that time the elections for Senators were held around mid-October and Deputies around mid-November, so the cut-off period was 6½ to 7½ months prior to the election. So at the same time the Standing Orders provided that the States shall not meet during any period of 21 days ending with an ordinary election for Senators or an ordinary election for Deputies. So what we are trying to do is adapt the current arrangements to the present dates which we have decided upon in this Assembly and which the arrangements have not followed. With regard to Constables, there is a slight difference and the Comité will bring the changes in due order to amend that. But at present, if a Constable were to fall away, if I can use that term, a Procureur du Bien Public can stand in to a certain extent for their duties in the Parish, but not obviously in a States sitting. So the Comité will be addressing that issue in due course. So I make the proposition and ask for the appel.

#### **The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. In relation to this vote, a simple majority only is required. I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and announce that the amendment has been adopted.

| <b>Pour: 31</b>            |  | <b>Contre: 14</b>           |  | <b>Abstained: 0</b> |
|----------------------------|--|-----------------------------|--|---------------------|
| Connétable of St. Lawrence |  | Deputy G.P. Southern        |  |                     |
| Connétable of St. Brelade  |  | Deputy M. Tadier            |  |                     |
| Connétable of Trinity      |  | Deputy R.J. Ward            |  |                     |
| Connétable of St. Peter    |  | Deputy C.S. Alves           |  |                     |
| Connétable of St. Martin   |  | Deputy S.Y. Mézec           |  |                     |
| Connétable of St. John     |  | Deputy T.A. Coles           |  |                     |
| Connétable of St. Clement  |  | Deputy B.B. de S.V.M. Porée |  |                     |
| Connétable of Grouville    |  | Deputy J. Renouf            |  |                     |
| Connétable of St. Ouen     |  | Deputy C.D. Curtis          |  |                     |
| Connétable of St. Mary     |  | Deputy L.V. Feltham         |  |                     |
| Connétable of St. Saviour  |  | Deputy H.L. Jeune           |  |                     |
| Deputy C.F. Labey          |  | Deputy R.S. Kovacs          |  |                     |
| Deputy S.G. Luce           |  | Deputy K.M. Wilson          |  |                     |
| Deputy L.M.C. Doublet      |  | Deputy M.B. Andrews         |  |                     |
| Deputy K.F. Morel          |  |                             |  |                     |
| Deputy M.R. Le Hegarat     |  |                             |  |                     |
| Deputy S.M. Ahier          |  |                             |  |                     |
| Deputy I. Gardiner         |  |                             |  |                     |
| Deputy I.J. Gorst          |  |                             |  |                     |
| Deputy L.J. Farnham        |  |                             |  |                     |
| Deputy Sir P.M. Bailhache  |  |                             |  |                     |
| Deputy D.J. Warr           |  |                             |  |                     |
| Deputy H.M. Miles          |  |                             |  |                     |
| Deputy M.R. Scott          |  |                             |  |                     |
| Deputy R.E. Binet          |  |                             |  |                     |
| Deputy M.E. Millar         |  |                             |  |                     |
| Deputy A. Howell           |  |                             |  |                     |
| Deputy T.J.A. Binet        |  |                             |  |                     |
| Deputy M.R. Ferey          |  |                             |  |                     |
| Deputy B. Ward             |  |                             |  |                     |
| Deputy L.K.F. Stephenson   |  |                             |  |                     |

We now come to the final amendment of Deputy Jeune ...

**Deputy S.M. Ahier:**

Sorry, Sir, may I ask for the adjournment? Since it is nearly 5.30 p.m. I thought we might be able to take our half hour break now.

**The Deputy Bailiff:**

Yes. Are Members content to adjourn now? Are Members content to adjourn now until 6.00 p.m.? The Assembly is adjourned until 6.00 p.m.

[17:25]

## ADJOURNMENT

[18:01]

### **5.6 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025): third amendment (P.56/2025 Amd.(3)) - as amended (P.56/2025 Amd.(3)Amd.)**

#### **The Deputy Bailiff:**

We now move to the final amendment lodged by Deputy Jeune. Deputy Jeune, you have an amendment to your amendment. Do you wish to propose it as amended?

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

Yes, please, Sir.

#### **The Deputy Bailiff:**

Are Members content so to do? Yes, the Greffier will read the amendment as amended.

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

Article 38. 1. After paragraph (1) insert – 2. For paragraph (1) there is substituted – 1. After a nomination form for the office of Senator has been completed with the information and declarations required by Article 17D, the form must be subscribed by – a. one proposer; and b. 9 seconders, consisting of one representative of each of the Deputies' constituencies specified in the column headed "Constituencies" in the table in Schedule 1 to the States of Jersey Law 2005. (1A) After a nomination form for the office of Deputy or Connétable has been completed with the information and declarations required by Article 17D, the form must be subscribed ... oh, sorry, am I reading that again? Sorry, must be subscribed by one proposer and 9 seconders. 2. Renumber the subsequent paragraphs accordingly. 3. In paragraph (3) (renumbered as paragraph (4)), after the inserted paragraph (3) insert – 4. A person seconding a nomination for the office of Senator "represents" a Deputies' constituency if the person's name is included in the electoral register for an electoral district that is, or is within, the constituency.

#### **5.6.1 Deputy H.L. Jeune:**

We have debated a lot, some would say too much, about the reintroduction of Senators and about what it means to hold an Island-wide mandate. My amendment today is simple. It is about strengthening that principle in a way that is fair, balanced and practical, and I thank the Assembly for allowing me to shorten the lodging period for my amendment to my amendment. Let me start with why we have proposers and seconders at all. They serve an important purpose: to ensure that anyone who wants to stand for office has a basic level of support from the community before appearing on the ballot paper. By signing a nomination, they are publicly confirming not only that the candidate is suitable but that they support their manifesto, platform and values. It is a threshold that protects the integrity of the process. So the question is this: if Senators are meant to represent the whole of Jersey, should their nomination not reflect that wider responsibility? Right now the law requires the same number of supporters for Senators as for Deputies: one proposer and 9 seconders. But for Deputies, those supporters must come from their own constituency, whether that is one, 2 or 3 Parishes. For Senators, it could all come from a single Parish. That is the same as a Connétable, even though the expectations of the role are completely different. Deputies by contrast must demonstrate support from their own constituency, whether that covers one, 2 or 3 Parishes. That does not feel right, given the Island-wide nature of the role. My amendment asks candidates for Senator to show that support in a way that is simple and proportionate. One proposer from anywhere in Jersey and 9 seconders, one from each of the 9 Deputy constituencies, that is it, 10 supporters in total, exactly the same number required as now but with one important difference. A Senatorial candidate must demonstrate genuine Island-wide support before their name appears on the ballot paper. Why does this matter? First it reinforces the Island-wide mandate. It sets the expectation



from the start that if you want to be a Senator you need to show support across both urban and rural communities, from east to west, from St. Helier to St. Ouen. Second, it promotes genuine engagement. It requires candidates to step outside their own circles, to listen and connect with Islanders from every constituency. It means they will not just turn up at hustings claiming to speak for the whole Island. They will have started by doing it. Third, it builds trust. Islanders deserve to know that those who seek to represent them at the highest level have already demonstrated broad support. That is good for transparency, fairness and confidence in our process. Fourth, it promotes fairness. Using the 9 constituencies ensures every part of Jersey is recognised equally in the process. This proposal avoids the imbalance that comes with relying solely on the Parish system. Parishes differ hugely in size and influence. In developing this proposal, I spent a great deal of time working through what I believe to be the fairest formula. I was grateful to discuss my first amendment with a number of fellow States Members and realised that what was needed was simplicity. That is why I amended my amendment to make sure it is right. In short, this formula reduces the risk of any one community dominating a candidate's priorities. Instead, it encourages Senator candidates to reach out across the Island, engage with Islanders from a wide range of social and economic backgrounds. This I believe is the fairest and most democratic way of ensuring that candidates for Senator genuinely demonstrate support across Jersey. This is not a barrier to entry. It is not designed to shut people out. Quite the opposite; it is a test of readiness. If someone cannot find 10 people across Jersey willing to support their nomination, how can they creditably stand to represent the whole Island? I urge Members to support this amendment. It is simple, fair and strengthens the integrity of the Senatorial mandate for the benefit of the whole Island.

#### **The Deputy Bailiff:**

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

#### **5.6.2 Deputy S.M. Ahier of St. Helier North:**

The amended version of this amendment was only lodged on Thursday and so the committee has been unable to provide a comment. The committee was unable to agree a consensus view on the original proposition. The P.P.C. did have a meeting on Monday morning, during which this amendment to the amendment was discussed. The Privileges and Procedures Committee were divided as to whether to support this adjustment and, therefore, as chair, I am unable to provide direction from the Committee.

#### **5.6.3 Deputy R.J. Ward of St. Helier Central:**

It is a question, really. This is probably in the Election Law and I just do not know it well enough; my fault. When we talk about where somebody is in that Parish, is that a registered address to live and paying rates within that Parish? Is it a business? What if somebody owns property in more than one Parish? I just want to make that clear. What if they move? Is it at the point of the signature for the nomination or is it at the point of the election? So if they move in between ... and I only call this out because I have seen this situation arise in other jurisdictions. From observation it caused a lot of legal wrangling later on. So it is just for clarity for everybody. I will say I do not have a massive problem with this but I also say that one person in each constituency does not mean you have a full oversight of Island-wide views or you can say that you represent the whole Island. I personally think the only way we can do that is by having proper functioning party politics with Members from across the Island and genuine representation and consultation. But of course I would say that, would I not?

#### **5.6.4 Deputy J. Renouf of St. Brelade:**

Very briefly, there is an interesting point about this because it does raise questions about what the position of Senator is. It is talked about as an Island-wide mandate. Of course, that is not strictly, technically, what it is because it is entirely possible to be elected as a Senator with votes from just one Parish. That would be the largest Parish. You would not need any votes from the rest of the

Island. That is valid, I think. That is actually valid, but I think that is probably not what most people think of when they think of the Senator elections. They do want to have some sense that it reflects a wider mandate. This addresses that. Deputy Rob Ward is correct to say that it does not really indicate the depth of support, does it? It is one person there, but you have to find a number of names anyway. This therefore does at least force you to look a little wider than where you are. Now, the other big advantage for this, I think, is that it will inevitably winnow down the field. Normally, we would not think that is a good thing but there is a risk with a 9-Senator election, 3 more than at the last one ... sorry, saying no, one more, I beg your pardon. Sorry, I am thinking back to when I was on the Electoral Commission. I think I am anyway. There is a risk that we will have a large number of candidates who can rely simply on getting their friends to support them and they are - I will say it because I am tired and I cannot think of a euphemism - not serious candidates. They may be standing to increase their profile for their business or whatever. I think if we are going to be serious about the Senator election as an election where the idea is that we have hustings where people can address the issues that face the Island, it would be good to make sure that all the candidates had to do some little job before they got there to indicate that they were serious about this. I use the word "serious" I guess in the sense that if you are serious about standing, then travelling to or contacting people from every Parish in the Island is not the biggest barrier. But it is a barrier in the sense that you do have to do a bit more work than if you just have to round up 9 or 10 of your friends to sign your papers. Some people might not like that. Some people may think that is a reason to vote against the amendment. I think on balance that is a sensible, pragmatic thing that reflects the meaning of the Senator role as we have been discussing it today. I will leave it at that.

#### **5.6.5 Connétable M.K. Jackson of St. Brelade:**

Just picking up on a point that Deputy Ward made. It worries me that while this is an idealistic solution once again to elections, the reality is I fear it is overcomplicating it. We really do not want to put any more barriers in the way of people standing, and I fear it would. Once again, the boundaries could provide an issue and the follow-up needed for the Electoral Authority in the Parishes to get the forms in order I think is an added chore which they really will not be needing at the time. So on that basis I do not feel I can support the proposition.

#### **5.6.6 Deputy M.R. Scott of St. Brelade:**

I note that the speaker has not had the experience of standing for Senator but she may remember the last Senatorial election. There were certain candidates who stood and people were calling them no-hopers. I have on time, with Deputy Mézec on time, talked a bit about this possible whittling down process of whether there should be deposits for candidates, but that has been suggested that, well, that means wealthy people can have an advantage. Do you have long lists of names and that sort of thing? Or should you have qualifications? Should you say you cannot stand for Senator unless you have a law degree, an accountancy degree or this, that or the other, or this, that or the other experience? What exactly are you trying to do here? I think Deputy Renouf ... the logic has ...

#### **The Deputy Bailiff:**

Deputy Tadier? Sorry, I thought there was a point of clarification. Yes, please carry on.

#### **Deputy M.R. Scott:**

Sorry, I thought that ... **[Interruption]** Oh, okay, fine. The logic is about having the idea of Senators being Island wide and, therefore, you have this geographical spread.

[18:15]

Again, I think that when it comes to the whole idea about just representing the majority of voters, you could look at it a different way. The Deputy in her report was suggesting it is not a barrier to entry, and I would say it is. One thing that you can compare this with is in Guernsey, where they have not had a problem with electoral turnout, and what I understand is that they just have a proposer

and a seconder. So why are we even asking for that many signatures in the first place? The fact is that it gets sorted out at the ballot box anyway. What really struck me about my experience in I think it was the last election was my experience with candidates who stood in St. Helier, in specific districts in St. Helier, who contacted me asking me if I knew people in St. Helier who might sign their nomination form. It happened because they could not find people who were registered. I do sympathise. I had the same problem with somebody on my nomination form. It turned out they were not registered, took it to the Parish Hall and they said: "Oh, sorry, they are not ..." It was like this person thought they were, and we will not have that problem with automatic voting, I know. That should make it better. But it is that scrabbling around already to get these signatures in order to stand. It is doable but I think in terms of all the stuff that goes on in terms of running campaigns and that sort of thing, when you are trying to maximise choice for electors, I do not quite ... yes, I am not convinced that this adds much in the way of value because you still get what you might call no-hopers who achieve this and where does it get you?

#### **5.6.7 Deputy M. Tadier of St. Brelade:**

Just to give a slightly different perspective, I probably will support this and I do not have any problem with it. But I suppose it is to address the issue of what disparagingly some people call the no-hopers at elections. I would warn against that kind of language, and I know Members have tried to be careful in their talking of non-serious candidates. I would think there is a distinction between candidates who put themselves forward with the best of intentions and some great ideas, who just for whatever reason do not have the electoral buy-in and it is maybe that their chances of success are always hampered from the start, but it does not mean that what they contribute to the Island-wide debate is necessarily not worth having. Because it can only take one idea, and I have often heard that on the Senatorial elections is that you have somebody who does not end up being a player in politics in the long term but they can help set the agenda. I think back to a time when one candidate, it may well have been in 2008, and the person I think achieved the unusual feat of not getting even 1,000 votes in the election, but that was somebody who was brave enough to put some quite bold ideas on the table, one of which was a casino, which went down like a lead balloon, especially in the still Methodist country Parishes, you could argue, even in 2008, and also he was advocating for same-sex marriage. That is the first time I had really heard it being mentioned seriously back then, and 2008 seems like a thousand years ago in some ways in where we have come. No one else was willing to talk about it; he put it on the table. It did not get him anywhere but he was ahead of his time, certainly when it comes to the latter, something which is now political mainstream. They also provide fun. Let us face it, I will not mention any names to embarrass them but I can remember a lot of the stuff that the so-called no-hopers have said in elections where I could not necessarily tell you anything that I remember verbatim that was said by then Senator-elect Farnham or Senator-elect Mézec, I hope he does not mind me saying. I remember generally what they were talking about, but I can remember actual quotes from others. I think that maybe at the St. Saviour hustings one of the candidates was asked: "What will you do about the welfare Bill?" and bringing down the welfare Bill, and he said: "Well, actually, I am currently on income support and if you elect me that will be one less person on income support." **[Laughter]** It had that reaction. He was great value. He was great value to have around the Senatorial table because you never knew what he was going to say. He spoke from the heart and he was not trying necessarily to measure everything and buy votes. So I guess the question I would ask: would it be difficult for that person who is not necessarily a political insider to be going around every Parish? He may not have a car, this person may not have a car. He may not have an electric bike, which seems to be in vogue these days, which we should all probably have to get round the Island. Would that person be able to go into every Parish and find someone who wants to support his election campaign? Should he be barred from standing for election because he only knows people maybe in St. Saviour, St. Helier, Trinity and that side of the Island? That is where his support base is. Because ultimately he only needs to get enough votes to get elected. It does not matter where they all come from. So I get that, but I also get the idea that this is not the hardest thing in the world.

I also know that from a party point of view, if you want to get elected and you come and see Reform and you are not well known, we will sort that out for you. We will say: "It is fine, we will get your nomination paper signed." We can get somebody from every Parish. We are fairly well connected. We are not universally liked but we have connections in every of the 9 districts and we can certainly get your nomination paper sorted. So it is fine if you are well connected in that respect. So yes, ultimately I do not have a problem with that. I think there is a test. If you want to be a serious candidate and if you want to know that you have a chance of election, have a pre-election interview process. That is what we had as a party. Candidates come to see us, probably normally members of the party, and say: "We would like to stand for election. What do you think? I might need a bit of coaching." "Do not worry, we will help you. We will make sure we have some basics that we want to make sure you can do the job and that we are happy with because ultimately you are putting your name to our party and we want to make sure that you represent us and that we can do you proud as well as a party." But other Members might have their own mechanisms to do that. They might have other ways to introduce these candidates to make sure they can get their 12 signatures. Just one point of clarification maybe from the mover in summing up. I seem to recall she said that it would guarantee that a candidate would have to make sure they have a cross-section of all different backgrounds, socioeconomic, but of course that is not implied, is it? You could get somebody who is a devout multimillionaire Tory in every Parish or every district of Jersey or you could get 9 pensioners to sign your paper who are on their uppers in every district or you could get 9 trade unionists from every Parish in Jersey. So they do not have to all be of the same socioeconomic background or political inclination. I think the last point to say is that I think most people when they are running for any office try and get a good cross-section on their paper, especially knowing that the nominations are going to be published. Certainly, in the Senatorial elections the tradition in the olden days was make sure that every name gets you 1,000 votes. I do not know if that will necessarily translate nowadays, but that is the old wisdom that I was certainly told that people abided by when choosing their nominations.

#### **5.6.8 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

I want to go back to that 2018 Senatorial election and my experience as a voter. I think it was there that I thought these candidates should have more signatures to collect, quite simply. While we talk about choice, I talked earlier about practicality. I do remember that hustings in St. Lawrence where of 17 candidates, I think I heard over the course of the 2-hour hustings basically maybe at most 3 questions answered across the whole section of 17 candidates. While I totally understand the idea of good value from a comedy perspective, I am relatively serious when it comes to choosing my people I vote for. Yes, there may have been some laughs at the time, but there was the sense that some of these candidates really are not going to get many votes at all. They might struggle to get 1,000 across the Island, and given that there is this comparison in the report from Deputy Jeune, which is correct, they had to get 10 signatures just the same as any Deputy or Connétable had to get 10 signatures, yet their mandate is so much wider, that it did seem to make sense to me then that Senatorial candidates should have to have a slightly higher bar than Connétable or Deputy candidates. Personally, I would have perhaps made this just simpler and said given that effectively voting districts do not count for a Senatorial candidate, I would perhaps have just broken this down as Parishes and simply said X amount of votes from each Parish, but I see Deputy Jeune laughing and I get the feeling this may have been cannot get it right whichever way you go. I am still voting for this, the Deputy should not worry about it. I understand that work has gone into thinking about it. It does seem slightly complex in that respect but just the principle of a slightly higher bar in terms of getting those signatures on the form for Senatorial candidates makes a lot of sense to me. All of that thinking comes from that 2018 hustings where I felt like we did not learn very much about the candidates because there were so many candidates. If there is a chance of at least making sure that candidates are perhaps ... Deputy Tadier is right, desperately trying to use the right words, but have greater gravity in their candidature, not necessarily in themselves but in their candidature, I think is a good thing.

### **5.6.9 Connétable R.D. Johnson of St. Mary:**

With apologies to Deputy Jeune, I am afraid I cannot get too excited about this one way or the other. There was a time when presentation of a nomination paper was a point of theatre in the election process and the candidate would bring it into the Parish Hall or wherever and all names were read out and the candidate would have made sure that he had a grocer, a farmer, a solicitor on the list to ensure a better balance, to show he or she was a better balanced person. I have seen papers where half the paper has been taken up by members of the same family. Once you get past the first muster that is all that matters. I am not sure that too much attention will be paid to it by anyone. Perhaps one serious point I make is that, if I understood the Deputy correctly, to get a nomination paper for a Deputy of one of the districts you simply need the names of people in that district, so there is no need ... for instance, in my own Parish I have some people from St. Mary, St. Peter and St. Ouen and you can concentrate on one Parish. That seems to me to present an inconsistency if you are doing something different for Senators. On that basis I may well vote against it but I wait to hear what Deputy Jeune says.

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

I do have a lot of sympathy with what Deputy Jeune is trying to achieve. However, it does also cause me some considerable concern, having heard the speeches so far. I am sure we were all advised when we stood ... again, coming back to the multi-Parish district, when I stood in 2022 I was given the very wise advice that I should seek to make sure that my proposer and seconders were all from across the district, so not just have everybody from Trinity but to make sure I had a good balance of nominators across all 3 Parishes. Despite the fact that I had lived here for 25 years, I found that quite difficult, trying to find people that I knew in those 3 Parishes. It does seem a bit odd and I slightly have some concern as to how I would go around and check that I know people in all these areas as it is. That is somebody who has lived here for 30 years, who is reasonably well, has a fairly wide circle of acquaintances. Where that worries me is we have talked quite a lot today about how diverse this Assembly is. If you are not born and brought up in Jersey or somebody who has lived here for a long time, if you are perhaps somebody who is Polish who has lived here for 10 years, you may not know somebody in every Parish. Even if you are a Portuguese who has lived in St. Helier all that time or any of our other smaller communities of people who have moved here, I do think this may well create a barrier. It creates a hurdle to people and we cannot say on the one hand we welcome you into this Assembly and on the other make it more difficult for them to stand. I do hear all the issues about people standing. You can, that is the function of a democracy is to be open and representative. If you start trying to limit who can and cannot stand, it gets very, very difficult. I think even in the U.K. you have to pay some money to stand. That is a barrier to some people. So I do have concerns about the impact of this proposition on some of our other communities and on people who may want to stand and who may find this, as Deputy Tadier says as well, just too much of a barrier for them or, if nothing else, an incredible stress trying to go round and find people who will sign their nomination papers.

[18:30]

### **The Deputy Bailiff:**

Thank you, Deputy. Does anyone else wish to speak on this amendment? I call upon Deputy Jeune to reply.

### **5.6.11 Deputy H.L. Jeune:**

I thank everybody for their contributions. Just directly to respond to Deputy Rob Ward, where the person is registered to vote in an election at the time of nomination when the signatures are checked and verified, so when a nomination form is handed in, the signatures are then verified, just as they are now with the Deputies and Connétables. That is the moment when they will verify that they are

in those different districts, just as it is now and, of course, now we will have an electronic voting system so it should be easier to be able to find that. But maybe I bring back something Deputy Scott has asked. Some people have said: "Do you remember the time when the Senators in 2018 and before" and the Connétable of St. Mary said about the time when there was a big show about the nomination forms. I have never been here when there have been Senators, so I have never voted for a Senator. I left Jersey basically at school and I never came back. I only came back in 2018, so I came back after the elections, and I would not have been allowed to vote then anyway because I had to wait a certain amount of time before I could vote. So I have never experienced it, so this whole discussion about Senators from the beginning has for me been a theoretical exercise because I have not experienced my votes being taken away as a voter. I have never experienced having Senators represent me or being at hustings with Senators. All the things that I have talked about from all the discussions we have had about Senators is purely from really an "outsider" because I come at it from looking at it from outside. Why I was prompted to do this amendment is because of my own experience. Deputy Millar talked about it a bit. I came into a new political system where suddenly I had 3 Parishes and I knew, as somebody who was born in St. John and was married in St. John's church, that I could probably find my way in St. John, but Trinity and St. Lawrence I had to go and work. I had to really go and work to not only find my signatures for my nominations, because again it also was suggested that I should probably show that I can represent and I am not just a one Parish lady. As a Deputy, I will represent all 3 Parishes that I have. That loyalty will be extended to all 3. But I had to go and find people to ask, and so I went to prominent people within the Parishes. They did not know me. They may know my name but they did not know me. I had to sell my manifesto to them before I could get their signature, so I worked very hard for this. We heard from the Connétable of St. Lawrence earlier about maybe having independence of St. Lawrence, and I hope she agrees that we feel a bit more accepted in her Parish now. But it has been work to show the parishioners of St. Lawrence that we have that loyalty as much as anybody else, and it started when we needed to do the nominations. So that is why I felt that when we are now talking about Senators and having that Island-wide mandate and the fact that everybody is really talking about that - and, as I say, I come at this from a theoretical base - I would hope that that is part of the process, one's process in doing it. I hope that no one is scrambling around because the point when you are building your manifesto, your manifesto should be an Island-wide manifesto. So you should be already talking to people to find out what it is in the Island that needs to be done, that one big idea that Deputy Tadier was talking about. Hopefully you have tested it. You have tested it ahead of time and those are the people that you could then potentially have to sign. We are only talking about 9 people. It is exactly the same as currently. You need to have one proposer, which could be anybody registered to vote on the Island. So you are looking for 9 extra people, one from each of the districts, and I apologise it is not Parishes but I went back and forth with the formula. But it felt from a representative perspective the Deputy districts had been thought about more in that sense and we now have got Deputy constituencies whether we like it or not. So that is why I felt that that was more representative. It is not forcing the candidates to go and understand a bit more about the different districts around Jersey, but it is about that pre-election discussion. You have to build your manifesto, I feel, if you want to be credible. I am not talking about the no-hopers. They still could be credible, and Deputy Tadier again said about that one big idea, but that idea should at least be sold to 9 people. I think that there are ways that part of that selling your manifesto, selling yourself as somebody that could be in a Senator role, having that experience of being able to go find 9 people, one from each district, for me I do not feel this is a big barrier from my own experience. It was already, I think - and again I have not seen Senators - quite exhausting being in the elections for the district elections. It was a lot of work. It should not be just a flip of a hat and being able to feel that you can go and sell yourself as a Senator candidate. If you want to be a Senatorial candidate, if you want to represent Island wide, some work does have to be done. You have to build that manifesto and to ask 9 people from around Jersey to also support you. It is a slightly higher bar but I do not think it is out of the reach for anyone. I take the point from Deputy Tadier about it does not guarantee a wider socioeconomic background.

I am not sure if I said it guaranteed. I apologise if I did. I would hope, though, that it means that that discussion that happens post-nomination and building of the manifesto is where hopefully candidates would have those discussions that maybe can understand that there are different communities in Jersey and go and talk to those different ones if you want to represent Island wide. So with that, again thank you for those that contributed and I hope the Members will support my amendment. I call for the appel.

### **The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the amendment has been narrowly rejected.

| <b>Pour: 20</b>           |  | <b>Contre: 22</b>          |  | <b>Abstained: 0</b> |
|---------------------------|--|----------------------------|--|---------------------|
| Connétable of Trinity     |  | Connétable of St. Lawrence |  |                     |
| Connétable of St. Martin  |  | Connétable of St. Brelade  |  |                     |
| Connétable of St. John    |  | Connétable of St. Peter    |  |                     |
| Connétable of St. Clement |  | Connétable of Grouville    |  |                     |
| Deputy C.F. Labey         |  | Connétable of St. Ouen     |  |                     |
| Deputy M. Tadier          |  | Connétable of St. Mary     |  |                     |
| Deputy L.M.C. Doublet     |  | Connétable of St. Saviour  |  |                     |
| Deputy K.F. Morel         |  | Deputy S.G. Luce           |  |                     |
| Deputy M.R. Le Hegarat    |  | Deputy R.J. Ward           |  |                     |
| Deputy S.M. Ahier         |  | Deputy C.S. Alves          |  |                     |
| Deputy I. Gardiner        |  | Deputy I.J. Gorst          |  |                     |
| Deputy L.J. Farnham       |  | Deputy S.Y. Mézec          |  |                     |
| Deputy T.A. Coles         |  | Deputy D.J. Warr           |  |                     |
| Deputy H.M. Miles         |  | Deputy M.R. Scott          |  |                     |
| Deputy J. Renouf          |  | Deputy L.V. Feltham        |  |                     |
| Deputy C.D. Curtis        |  | Deputy M.E. Millar         |  |                     |
| Deputy R.E. Binet         |  | Deputy A. Howell           |  |                     |
| Deputy H.L. Jeune         |  | Deputy T.J.A. Binet        |  |                     |
| Deputy K.M. Wilson        |  | Deputy M.R. Ferey          |  |                     |
| Deputy L.K.F. Stephenson  |  | Deputy R.S. Kovacs         |  |                     |
|                           |  | Deputy B. Ward             |  |                     |
|                           |  | Deputy M.B. Andrews        |  |                     |

## **5.7 Draft Elections (Senators) (Jersey) Amendment Law 202- (P.56/2025) - as amended**

### **The Deputy Bailiff:**

We now return to the Articles as amended. Does any Member wish to speak on the Articles? If no Member wishes to speak on the Articles, then is the appel called for?

#### **5.7.1 Deputy S.M. Ahier of St. Helier North:**

Yes, please, Sir.

### **The Deputy Bailiff:**

The appel has been called for. Members are asked to return to their seats. Members are now voting on the Articles in Second Reading: 25 Members are required.

#### **Deputy A. Howell of St. John. St. Lawrence and Trinity:**

Sorry, excuse me, Sir, which Articles are we voting for?

**The Greffier of the States:**

One to 65.

**The Deputy Bailiff:**

The Articles of the law as proposed by the chair of P.P.C. as amended slightly in the debate we have had this afternoon. You are voting on the Articles in Second Reading. So 25 votes are required for these Articles to be adopted and I invite the Greffier to open the voting on the Articles. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

| <b>Pour: 30</b>            |  | <b>Contre: 14</b>           |  | <b>Abstained: 0</b> |
|----------------------------|--|-----------------------------|--|---------------------|
| Connétable of St. Lawrence |  | Connétable of St. Helier    |  |                     |
| Connétable of St. Brelade  |  | Connétable of St. John      |  |                     |
| Connétable of Trinity      |  | Deputy M. Tadier            |  |                     |
| Connétable of St. Peter    |  | Deputy L.M.C. Doublet       |  |                     |
| Connétable of St. Martin   |  | Deputy S.M. Ahier           |  |                     |
| Connétable of St. Clement  |  | Deputy R.J. Ward            |  |                     |
| Connétable of Grouville    |  | Deputy C.S. Alves           |  |                     |
| Connétable of St. Ouen     |  | Deputy S.Y. Mézec           |  |                     |
| Connétable of St. Mary     |  | Deputy T.A. Coles           |  |                     |
| Connétable of St. Saviour  |  | Deputy B.B. de S.V.M. Porée |  |                     |
| Deputy C.F. Labey          |  | Deputy J. Renouf            |  |                     |
| Deputy S.G. Luce           |  | Deputy C.D. Curtis          |  |                     |
| Deputy K.F. Morel          |  | Deputy L.V. Feltham         |  |                     |
| Deputy M.R. Le Hegarat     |  | Deputy R.S. Kovacs          |  |                     |
| Deputy I. Gardiner         |  |                             |  |                     |
| Deputy I.J. Gorst          |  |                             |  |                     |
| Deputy L.J. Farnham        |  |                             |  |                     |
| Deputy D.J. Warr           |  |                             |  |                     |
| Deputy H.M. Miles          |  |                             |  |                     |
| Deputy M.R. Scott          |  |                             |  |                     |
| Deputy R.E. Binet          |  |                             |  |                     |
| Deputy H.L. Jeune          |  |                             |  |                     |
| Deputy M.E. Millar         |  |                             |  |                     |
| Deputy A. Howell           |  |                             |  |                     |
| Deputy T.J.A. Binet        |  |                             |  |                     |
| Deputy M.R. Ferey          |  |                             |  |                     |
| Deputy B. Ward             |  |                             |  |                     |
| Deputy K.M. Wilson         |  |                             |  |                     |
| Deputy L.K.F. Stephenson   |  |                             |  |                     |
| Deputy M.B. Andrews        |  |                             |  |                     |

**The Deputy Bailiff:**

Chair of P.P.C., do you propose the matter in Third Reading?

**5.8 Deputy S.M. Ahier:**

Indeed I do, Sir.



**The Deputy Bailiff:**

Is the matter seconded? **[Seconded]** Does anyone wish to speak on the Articles as adopted in Third Reading?

**5.8.1 Connétable M.A. Labey of Grouville:**

When the roadshow came to Grouville Parish Hall there were 64 people present. I was very proud of the turnout. There was only one dissenting voice in the hall that night against Senators, and Deputy Millar is looking at him. If you remember, I was definitely opposed to Senators and I said so on the doorsteps around my Parish. However, as my colleague Deputy Luce has already said, I probably could have lost the election on that very one point but luckily I did not. Because 80 per cent of the parishioners that I saw on the doorstep were in favour of the return of Senators. I thought they were a vanity exercise. I did not think they would fulfil their remit. There were many reasons why I did not want them back, but it is no doubt at all my parishioners do and I am here to represent them, so I will vote for.

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

I rise simply to make the point knowing that this particular battle has been lost, but it may have been 80 per cent of people on the doorstep that told the Constable of Grouville that they supported bringing Senators back and that is exactly the same percentage that voted to scrap them in the 2013 referendum. It really is, I think, embarrassing for this Assembly that that process went through and a couple of anecdotes on the doorsteps has totally undermined that and will be giving us a less representative electoral system. It does not reflect well on us.

[18:45]

**The Deputy Bailiff:**

I thank both Members who have spoken so far and remind Members that the debate should be confined to the content of the draft as adopted in Second Reading.

**5.8.3 Deputy M.R. Ferey of St. Saviour:**

I am going to find it hard to focus on the concept of the draft because what I wanted to say is if you want to look for tenacity, then look no further than Deputy Millar, who went round the whole Island at a time when the turnout was not always brilliant but the debate was always heated and people were always engaged. The people who did express a view really had heartfelt opinions. All the opinions that I heard in my Parish, although there were a very small number, were to the positive. So I congratulate Deputy Millar for the work that she has put in to this.

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

I just really wanted to address the idea that every debate was very heated because I must admit those in St. John and St. Lawrence were not so heated at all. They were very one sided in favour of Senators. I also wanted to say that I think the concept of the draft is outstanding and I shall be voting for it.

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

Before I address the contents of the draft, I just wanted to refer to the hustings. I remember when Deputy Morel went to the hustings in 2018 and I remember those 3 answers I gave and I wanted to thank him for recognising them and still remembering them. I wanted to recognise also the chair of P.P.C. and thank him for his herculean effort when dealing with the contents of the draft, for dealing with it with such a straight bat and a neutral manner. It is appreciated.

**5.8.6 Connétable K. Shenton-Stone of St. Martin:**

I would just like to say that our hustings when Deputy Millar came was quite heated. I know that lots of people in here ... I did vote against the Senators. Today I voted for the Senators because we voted earlier in the year to have the Senators and I thought I would uphold democracy, but please think of me when I go home this evening because my immediate family do not agree with Senators.

#### **5.8.7 Deputy J. Renouf of St. Brelade:**

It is a profoundly depressing situation that we find ourselves in. I think we have arrived at a position with these Articles where emotion has triumphed over reason, and we have allowed a small number of highly passionate people who want to see the return of the Senators to trump all else. I think the idea that we have to vote for these Articles because the public are expecting it is nonsense. I can say very confidently that, outside of the political bubble, most people have no idea that Senators are coming back and do not care either way. We vastly overstate the level of interest in politics and the level of knowledge. We are focused on that tiny number who do vote, who do phone us up or whatever, but our real challenge is not those people, it is the people who do not vote. That should be our commitment and that should be what commands our attention. I think many Members are indeed bewitched by the number of people who come and tell them they want Senators back. That tells us that people who believe in Senators talk to people who support Senators. I am not sure if I have been contacted by a single constituent about Senators. I apologise if I have forgotten someone. It is possible that some time ago someone did. I suspect the reason is that those who are interested in this issue know that I am not on their side. If you ask younger people about Senators, as I have, they do not even know what you are talking about. We have had the debate about the data which shows that there is no evidence to back up this assertion. Whenever the figures are quoted as opposed to the anecdote, things that people tell people in the pub and so on, the data shows unequivocally that people are not really interested in this issue. Three per cent of people who did not vote, when asked about the reasons they did not vote, only 3 per cent said the reason was because there was not Senators. It is a minority sport. That is the fallacy on which this entire debate hinges. Unfortunately, the Articles, as they stand now, do not involve a correction to the most egregious fault within the original proposition. We had a chance to correct that. It fell agonisingly short. I think that is frankly scandalous. However, you calculate the figures, whichever table you were to come up with, we are leaving voters in parts of St. Helier severely under-represented compared to some of the rural districts. If we had political parties across the whole of Jersey, this would be called by its true name, which is gerrymandering. The definition of gerrymandering is to favour one particular group or party. If we had parties in the countryside as well as predominantly urban Reform, it would make visible what is now slightly concealed. It would be quite clearly disadvantaging an urban party of the left against a more conservative rural party. Political parties do not currently operate throughout the Island, but it is still true to say that the electoral system, whether by accident or design, is going to disadvantage voter representation in parts of St. Helier. We will be solidly criticised after the next election by the electoral observers. But, of course, we do not really care about that. What do outsiders know about funny local ways? If we want to mess up the fairness of the electoral system because it pleases us to do so, that is our business. That casualness about matters of deep principle worries me enormously. Whatever your politics, it is simply unacceptable to knowingly distort your electoral system in this way, and that we seem to care so little about this is a profound disappointment. The long-established problems with Senators remain. Senatorial candidates favour the well-off, they vote the cap will be £10,000-odd. You will need to be prepared to risk that amount of money or risk being outgunned by those who can afford to pay it. Perhaps that seems a trivial point to supporters of Senators, but how many plumbers or teachers or care workers can afford £10,000? The simple truth is they cannot. That too is a political bias that remains in this proposition because the people for whom £10,000 is a stretch are more likely to be from the left. So, in conclusion, I think we have a bad law. We have resisted the chance to make it better through the amendments. There is no reason why we have to continue with a bad law because it was voted for by a single vote after 2 previous failed attempts to do so. It is a flawed bad law and we should vote against it.

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

May I ask for a point of clarification, please?

**The Deputy Bailiff:**

Are you prepared to accept one? Yes.

**The Connétable of St. Lawrence:**

I believe that the Deputy said we will be criticised by the Electoral Observers following the next election. My understanding has always been that they must be invited by us to observe. Is the Deputy telling us that that has been done?

**Deputy J. Renouf:**

No, that is a good point. I was slightly taking it for granted that we would invite Electoral Observers to observe and I would very much hope - very much hope - having made a significant change to the electoral system that we do not bottle out and decide that we do not want to be observed. I think that would be absurd.

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

I am going to take a slightly different tone because, as I have said, it is not all bad having Senators back. I am going to speak in the Third Reading because we are talking about what we are left with and the potential changes that maybe could have been made that have not been made, whether this is still worth some of us supporting it even though it has not had what I would call ameliorating amendments go through. The first thing I would say, I suppose, while I think of it, is that let us take it back one step. I have no problem admitting that I am a slightly political insider because I was born in Jersey and I followed Jersey politics from a young age. There is something exciting about the Senatorial election, irrespective of how it is going to roll out. It is where all the focus is. It is where those who like to follow local politics are able to make an outing, what was once every 4 years now, and just see what is going on, support their candidates or make commentaries alongside it. I know that those in the media also like that. Whether it is bread and circuses, I will leave others decide. But we are talking about whether we should pass this in the Third Reading and a lot of the arguments made in previous parts of the debate about giving the Parishes more work and giving the electoral administrators in each Parish more work, especially because it is the Parish secretaries, what we will be voting for, the Constables will be voting to give more work to all the volunteers in the Parishes and to the electoral administrators and to the Royal Court by having another election, because we are voting for another election. The Senators is another election, which is going to take place concurrently on the same day. So, not only will all the counters have to sit there and count and transport the ballots, if it is in a multi-Parish constituency, or even indeed in a multi-polling station constituency such as many of them are. They will have to transport those, they will have to count them, they will have to count for the Constables' elections, they will have to count for the Deputies' elections, they will have to stay up well into the night or possibly reconvene the next day on a Monday after they have just been working on a Sunday. The vast majority of the counting time will be for Senators because you have got to process all of those ballot papers and have a system to tally up to 9 votes, but of course not everyone will be using those 9 votes. I think it is a shame that we did not have time to consider other voting systems, if I am honest. I think, again, you could bring Senators back but the recommendation of the Electoral Commission, which both Deputy Bailhache and Deputy Renouf served on, the forgotten recommendations for that commission were that we should look at alternative votes for single-seat elections and single transferable votes for multi-seat elections. It is the case, and I think this is the point that Deputy Scott has made or tried to make in the past, which maybe has not been fully understood, is that in multi-seat constituencies, all of the seats can be won by a large minority group, whether that is an organised party or just the same people voting for the same type of candidate. That is why, of course, we see in other places like the U.K. when

they have ward elections for the council ... incidentally it is an argument about the number of votes that one has and we will still have a system of course where there are different numbers of votes for different people in different districts, so I think particularly of Grouville and St. Martin. If the 3 representatives for Grouville and St. Martin, and of course, the 2 Constables for Grouville and St. Martin respectively, all vote for this, they are saying to their constituents in that area you are going to have one less Deputy that you can vote for and, of course, the trade-off that you are going to have to sell to them is that you are going to get 9 Senators back for that. They may be fine about that but it might be, of course, that they find it difficult to accept that if the constituency work is not being done by the Senators, but we will see if that emerges and that goes for all of the Parishes. But getting back to the point of the wards, of course, is that it is fully recognised in the U.K. that a single party can take all of the seats by getting 33 per cent of the vote, whether that is Labour, Conservative or Liberal Democrat. You are probably less likely to get it with the minority parties. That does not mean that any one party in Jersey would clean up at any one election, but what it does mean is that you can get groupings. If there is a particularly Conservative element that dominates in a large minority in one particular constituency, let us call it the Island constituency, that is traditionally how it has worked that the establishment in Jersey, the old regime, have relied on a default large minority to come out and know which candidates to vote for. But that may not always be the case, so I suppose my message, when considering whether or not this is still right to vote for in the Third Reading without the safeguards of any more sophisticated electoral voting system to put in place, is be aware of the unintended consequences that might arise from having 9 seats where your first vote and your ninth vote all have exactly the same valuer.

[19:00]

Like Deputy Renouf, but slightly hopefully less pessimistically, I think that, yes, we could have had an opportunity to put in some safeguards. I think it is a shame that, ironically - I have to say it - by an abstention from the Constable of St. Martin, who is complaining about the representation of St. Martin being reduced, that she has decided not to vote on a critical amendment that did make the difference. If she had voted the other way, of course, we would have had a fairer electoral system, but that is not what we are going to get today. We are going to be left with a situation where, unfortunately, we are moving further away from the Venice Convention. That was not necessary. We could have had the best of both worlds. We could have had an accommodation that recognised the fact that we do have, if not binding obligations, we have obligations to our fellow partners in the Commonwealth. I do look at the leader of the C.P.A. that we have appointed in this Assembly, Deputy Ward, and I would ask what he makes of the fact that we are straying further and further away from parliamentary norms that would be accepted in the Commonwealth Parliamentary Association if we vote for this in the Third Reading, at a time when we should be trying to set a good example around the Commonwealth and saying that we do not want to make our representation worse in certain constituencies. I would be interested to know if the C.P.A. side of that has indeed, perhaps Deputy Le Hagarat, who has voted for this, as the leader of the C.W.P. (Commonwealth Women Parliamentarians), how she will explain the fact that St. Helier has got even worse representation than it had before, and it is moving further and further away from the Venice Commission norms when we had an opportunity to correct that. I find myself in a position ... genuinely, I came into this debate thinking that if certain amendments had been accepted, notably that if the Constable St. Helier and the separate election days had been voted for, I think and I hope maybe the party would have been in a position where we could have supported this. But, as it stands, I do not think this is something I can vote for in good conscience, even though St. Brelade's representation remains effectively exactly the same. We will have, I think, the correct representation. But that is not the case for other districts that I can think of, which include certainly St. Helier, but also other districts. I would ask Members to consider whether or not they still need to vote for this in the Third Reading.

#### **5.8.9 Deputy M.R. Scott of St. Brelade:**

Judging from the last few speeches, people still have not understood the numbers and how this works. The more Senators you have, the less imbalance. I know people do not agree with me, but the numbers have not been worked out in any form. Just simply like saying 7 Senators is the same as 9 in terms of this distribution. The numbers we have better, and talking about gerrymandering. Probably the absolute neater system, and I think - because here we have got States Members still struggling with the numbers - if you had only 2 class of Member, Senators and then Constables, you basically gave them a proportion of one vote in accordance with their districts, you would not be ever worrying about gerrymandering, and it would be, I think, probably easier to work out each time on a vote. We have got the technology. It is about maths, but I really do appreciate that anything like that is just a bit too difficult for people to conceive, but that is all I have. I think that this can be regarded quite potentially as a transitional thing. Deputy Tadier has mentioned the A.T.V. (alternative transferable vote). I think that it has got a lot. I can support that. But there is more work to be done. Deputy Renouf mentioned the unfairness of independent candidates, or any candidate basically, a Senatorial candidate funding a campaign. I have had discussions with Deputy Mézec in the past about this. He has said that the answer is to have a political party. On the other hand, you might say, well, maybe we should just have much more reduced campaigns. What you can do, how many posters you can have, almost get that funded by the Greffe to make sure that everything is equal. There is more work that can be done and going in a better direction, and I think that perhaps a little bit more thinking out the box could be helpful. But we have got where we are. It is better the more Senators you have, and in fact if we carried on working in that way, thinking a bit more about how that can be worked through, then that could be helpful, too.

#### **5.8.10 Deputy L.V. Feltham of St. Helier Central:**

I will try to address the Articles. I have been flicking through to find the relevant ones, so hopefully I get them correct. I see the Greffier looking. I will not then refer to the Articles, I will make my points on the legislation that we now have. What we now have is that the most popular districts will be under-represented within this legislation. I will remind Members what those districts are, or what those Parishes are. They are the Parishes of St. Helier, St. Saviour, and St. Brelade. So, in my view, any representative of those Parishes are really doing their Parishes a real disservice by voting through this legislation. This legislation does not meet the requirements of the Venice Convention, and quite clearly makes significant changes to our electoral system less than a year before the election. In my mind, this is poor legislation and it is an embarrassment to the Assembly.

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

I could spend a very long time addressing some of the comments that have been made, but I am not going to do that. What I am going to do is to thank everyone for their efforts, both in this debate and for the one we had in March. We have said several times today, people have pointed out that this is the most diverse Assembly we have ever had, and this most diverse Assembly has had 2 democratic debates, and both times have broadly supported the return of Senators. I have absolutely no doubt that it is what very, very many members of the public want. You can shut your ears to that, and I think it is wrong to set the poor downtrodden south against the rich and wealthy north is very, very unfortunate, and I simply do not think that is the case. At the end of the day, people felt a loss when Senators were removed from this Assembly. We can have all sorts of theories, all sorts of intelligent arguments, anybody they want can come and comment on this Island and how it does things. They will be doing that through their own lens; they will be doing that through lenses of vastly different voting systems. There are numerous different voting systems. Is what we have perfect? Probably not. But I have absolute faith that very many of the public want this, and at the end of the day everybody, every single person who votes, has 8 more votes in this election. People have spoken to me and said they could not vote because there was nobody they wanted to vote for in their district. They wanted Senators back. These are people in St. Helier. So, we reached a decision in March. Most of us have supported this so far and we have talked about people, why they did not vote, because

nothing ever changes, because of lack of trust. This is making a change. It is making a change that I do believe the vast majority of the public want. If we reject this now, what it does for trust in this Assembly, it will go through the floor. I really encourage everybody who supported this to continue their support and to vote in the Third Reading.

**5.8.12 Connétable A.N. Jehan of St. John:**

I would also like to pay tribute to the chair of P.P.C. and his team who have done a great job. I have the opposite problem to my colleague to my left, to the Constable of St. Martin. I am going to go home and talk to my wife, who is adamant that she would like to see Senators back in the Island. So, one person in my household will be happy. **[Laughter]** The previous speaker spoke about a lack of trust. I will remind Members, we lost the public's trust when we did not implement the results of the referendum that the public spoke about. Earlier in this week, we have heard from some Members in a different debate about the lack of data. I would just like to correct Deputy Renouf. Voting this through does not give a £10,000 cap to Senatorial candidates. If there are 72,000 people on the electoral list, which we expect, that will give candidates up to £13,776 to spend on a campaign. Other data we should consider is the Jersey Opinion Lifestyle. Three per cent of those people surveyed said they did not vote because they were not Senators; 3 per cent. Another percentage is the 80 per cent of Islanders who voted for change, and change that did not include Senators. But I must remind Members not to let the facts get in the way.

**Deputy K.F. Morel:**

Yes, may I ask a point of clarification? It may or may not be necessary.

**The Deputy Bailiff:**

Are you going to accept one?

**Deputy K.F. Morel:**

Thank you. It is just I understood the Connétable to say that Deputy Morel said about the £10,000. Maybe I misheard the Morel bit.

**The Connétable of St. John:**

I beg your pardon, it was Deputy Renouf who I was referring to.

**The Deputy Bailiff:**

Yes, Deputy Renouf you referred to. Does anyone else wish to speak on the Articles as adopted?

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

Yes. I will just respond to partly something Deputy Tadier had said. I am really proud to be a chair of the C.P.A. I have been incredibly pleased to take on something that will stay with me after whatever political career I have in it, and I am really pleased with it. What would the approach be? It would be that we are not up to international standards. We have made changes less than a year before the election that we have unequal representation in terms of the equity of people's votes and its value. As a jurisdiction, as an Assembly, originally just 25 people backed that in the principles by a very thin margin. That is all I would be able to say. In terms of an election, £32,000, I did not know that. Well, things are looking up a bit. I think the key here, the amount of money, whatever it was, £13,000, I was going to say things are still looking up a little bit. I think the key here is to recognise that what I am looking forward to with this, if it is voted for - which I really hope it is not - is that there is a clear explanation on all the hustings and from all the candidates as to what these Senators are there for and what the difference between Senatorial representation and Deputy representation and Constable representation is in this Assembly. Because, at the moment, we sit here and we all have one vote each. So our votes are equal in here. Our representation may not be equal. We are not going to encourage people to vote unless we have a clear definition. I will say - I cannot

take things personally - but the notion that you have the number of votes according to those who vote is just so far from democracy that it does not even warrant a response, and we need to move on from that because that is just ridiculous. Subsequently, we need to move on as to where we are going to go. I think voting for this and removing Deputy representation from St. Helier is a huge error. As I have said before, and I say this in Third Reading now, the overall effect of that will be to stop that direct representation in an area where it is perhaps most needed at times, where the most concentrated population is, in St. Helier North, with a growing population; certainly in St. Helier Central, the growing estates, the number of people there, particularly with certain demographics; St. Helier South, that is not a good thing to do. I hope that those who are successful in the Senatorials recognise the importance of that constituency work still. That is a concern and I think that is a question that needs to be asked on the hustings: "How will you do your constituency work with people all of the time or will you consider you to be above it?" Because I hope not, because that increases workload for Deputies beyond what is capable and the representation will not even be there at the time. That is where we gain respect in our districts and with people, and how it is not even just about being accessible, it is about trying to help. It is difficult when you take on different roles - of course it is - and you help in a wider perspective, but there you go.

[19:15]

I think we have to consider how we will ensure that we have a genuine meritocracy in this Assembly in terms of the roles that people take, and not just simply say those who took the risk and had the backing and had the money to stand for Senator, those who are more organised, those who are more structured, those who perhaps have wider backing and can put candidates forward, which I am thinking through, which is quite good, do not get over-represented in terms of those Senatorial elections and therefore the influence on this Assembly. Because, as we have seen previously in the debates, I have been very pleased to stand up and say well done in a previous debate, which I know we have not finished yet, so well done to the Scrutiny Panel and to those who are here because you have done it and the Minister has listened and we have worked together. I am seriously concerned that this will bring a wider division in terms of the roles that we have because they are simply not clearly defined. We had a system that has worked, it brought us to this Assembly. Good, bad or indifferent as to what you think about each other, we work together. We should have given that another run through, we should give that another run through to see how that pans out. Because we have made another change and we are not consistent and I can see absolutely no reason for doing it. Just having more people to vote for, if there is no one there that you want to vote for, if you have got no people to vote for, and if people just vote for the sake of it, that is not a great idea. So, I would encourage people to not vote for this in Third Reading, give the run through again, final try, but you have got to be consistent in your principles and I certainly will. I do not think this is a good move forward for this Assembly and for the democracy on this Island.

### **The Deputy Bailiff:**

Does anyone else wish to speak on the matter in Third Reading? Connétable of St. Ouen, I think you have spoken already, have you not? You did speak about going home tonight in this session. Anyone else? I call upon the chair to reply.

### **5.8.14 Deputy S.M. Ahier:**

I want to thank Members who have spoken in this debate. I will just respond to Deputy Renouf because he asked about C.P.A. Election Observers. It is not intended at this time to ask C.P.A. Election Observers to come back next year. If that would be the case, we would require a growth bid and that would be very difficult to obtain. This is not the last time we will be debating election matters as we will need to lodge a short set of supplementary regulations to bring together all of the different parts of the election legislation strands once all of the primary legislation adopted by the Assembly in relation to the Draft Elections (Electoral Register) Amendment Law, P.27 and the Draft

Elections Amendment Law, P.28, has been registered in the Royal Court. However, it is hopefully the last time when we have a substantial debate and I hope that Members will be mindful that, if they wish to make any major changes to the elections legislation or the composition of this Assembly in the future, they should try to do so as early in the term of office as possible, as it really is not acceptable to be implementing such major changes to the Island's electoral systems so close to the next election. Not only does it ignore the recommendations of 2 successive C.P.A. Election Observers missions and what is widely regarded as best practice in line with the Venice Commission, but it is well documented that substantive changes to elections law in the year of an election undermines public confidence in the process. I wish to place on record P.P.C.'s thanks to Greffe officers and the legislative drafter for working so hard to bring this forward as swiftly as possible. It really was no mean feat and we are all very grateful. **[Approbation]** As chair of P.P.C., I very much hope that the reinstatement of the Senators is the magic bullet which brings voters back to the polling station. If it is not, then it will be a matter for the next P.P.C. to determine what else can be done to bring about greater public engagement. I make the proposition in Third Reading and call for the appel.

### **The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in Third Reading.

| <b>Pour: 28</b>            |  | <b>Contre: 17</b>           |  | <b>Abstained: 0</b> |
|----------------------------|--|-----------------------------|--|---------------------|
| Connétable of St. Lawrence |  | Connétable of St. Helier    |  |                     |
| Connétable of St. Brelade  |  | Connétable of St. Martin    |  |                     |
| Connétable of Trinity      |  | Connétable of St. John      |  |                     |
| Connétable of St. Peter    |  | Deputy G.P. Southern        |  |                     |
| Connétable of St. Clement  |  | Deputy M. Tadier            |  |                     |
| Connétable of Grouville    |  | Deputy L.M.C. Doublet       |  |                     |
| Connétable of St. Ouen     |  | Deputy S.M. Ahier           |  |                     |
| Connétable of St. Mary     |  | Deputy R.J. Ward            |  |                     |
| Connétable of St. Saviour  |  | Deputy C.S. Alves           |  |                     |
| Deputy C.F. Labey          |  | Deputy S.Y. Mézec           |  |                     |
| Deputy S.G. Luce           |  | Deputy T.A. Coles           |  |                     |
| Deputy K.F. Morel          |  | Deputy B.B. de S.V.M. Porée |  |                     |
| Deputy M.R. Le Hegarat     |  | Deputy J. Renouf            |  |                     |
| Deputy I. Gardiner         |  | Deputy C.D. Curtis          |  |                     |
| Deputy I.J. Gorst          |  | Deputy L.V. Feltham         |  |                     |
| Deputy L.J. Farnham        |  | Deputy R.S. Kovacs          |  |                     |
| Deputy D.J. Warr           |  | Deputy K.M. Wilson          |  |                     |
| Deputy H.M. Miles          |  |                             |  |                     |
| Deputy M.R. Scott          |  |                             |  |                     |
| Deputy R.E. Binet          |  |                             |  |                     |
| Deputy H.L. Jeune          |  |                             |  |                     |
| Deputy M.E. Millar         |  |                             |  |                     |
| Deputy A. Howell           |  |                             |  |                     |
| Deputy T.J.A. Binet        |  |                             |  |                     |
| Deputy M.R. Ferey          |  |                             |  |                     |
| Deputy B. Ward             |  |                             |  |                     |
| Deputy L.K.F. Stephenson   |  |                             |  |                     |



## **6. Extension of Section 75 (Electronic Travel Authorisations) of the Nationality and Borders Act 2022 to Jersey (P.58/2025)**

### **The Deputy Bailiff:**

The next item of business, the Extension of Section 75 (Electronic Travel Authorisations) of the Nationality and Borders Act 2022 to Jersey, lodged by the Chief Minister. The main respondent is the chair of the Children, Education, and Home Affairs Scrutiny Panel. The amendment lodged has been withdrawn. I ask the Greffier to read the citation.

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

The States are asked to decide whether they are of opinion – (a) to signify, pursuant to Article 31 of the States of Jersey Law 2005, that they agree that a request be made to His Majesty in Council for the making of an Order In Council to extend with appropriate modifications, section 75 of the Nationality and Borders Act 2022 to Jersey; and (b) to signify their agreement to the proposed Order in Council entitled “The Immigration (Electronic Travel Authorisation) (Jersey) Order 2025” in Appendix 1 to this proposition.

### **The Deputy Bailiff:**

Chief Minister, will you make the proposition?

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

I will, and the Minister for Justice and Home Affairs will be acting as rapporteur.

### **The Deputy Bailiff:**

Yes, Minister for Justice and Home Affairs.

## **6.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs - rapporteur):**

This proposition represents an important step in strengthening Jersey’s border security and keeping us aligned with other partners in the Common Travel Area. The proposition before us seeks the Assembly’s agreement to request His Majesty in Council to extend, with modifications, section 75 of the U.K.’s Nationality and Borders Act 2022 to Jersey, enabling the introduction of an Electronic Travel Authorisation scheme. What is an E.T.A. (Electronic Travel Authorisation)? An E.T.A. is not a visa. It is a quick online pre-travel check for certain visitors who do not already require a visa to come to Jersey. It authorises the person to travel, but entry is still decided by our border officers on arrival. British and Irish citizens will not need an E.T.A., nor will those who already hold valid immigration permission to live, work, or study in Jersey or in the U.K. or other Crown Dependencies. Why are we introducing it? At present, many non-visa nationals can travel to Jersey with limited prior checks. This leaves a gap in our ability to assess risks before people arrive. Introducing an E.T.A. will close that gap, giving us the ability to screen travellers in advance, just as the U.K. and many other countries, including the United States, Canada, Australia, and New Zealand, who are already doing it. The E.U. (European Union) will be introducing the European Entry and Exit system on 12th October, which is an I.T. (information technology) system for registering non-E.U. nationals travelling for short stays. Following that, the European Travel Information and Authorisation System, an equivalent to E.T.A., will be introduced in 2026. Guernsey and the Isle of Man are also preparing for a similar introduction of E.T.A. to that proposed in Jersey. It will help prevent those who pose a threat to our community from even beginning their journey. Alignment with the Common Travel Area is important. Members will be aware that Jersey is part of the Common Travel Area, and our residents benefit from free and easy movement throughout the British Isles and Ireland.

Aligning our immigration systems with our C.T.A. (Common Travel Area) partners protects that privilege. If we fail to align, we risk operational divergence leading to confusion for travellers, reputational damage, and even the possibility of restrictions being placed on movement from Jersey into the U.K. On a practical level, the E.T.A. will be valid for 2 years, cost £16, and will allow multiple visits during that time. Most applications will be decided in minutes, though travellers should allow up to 3 working days for processing. It will be administered by the U.K. on our behalf, but according to the rules set out under our immigration rules, ensuring efficiency and integration with a wider C.T.A. system. The U.K. will offer this service to Jersey without charge, meaning that the costs to Jersey for implementing E.T.A.s will be negligible. There will be some exceptions, such as for certain organised French school groups to support our cultural and educational ties. It is essential that we seek to protect Islanders by preventing harm before it reaches our shores. But equally, we must maintain an open and welcoming environment for visitors and businesses. This scheme achieves both a stronger, smarter border and a smoother experience for legitimate travellers. At this point, I would like to thank Deputy Bailhache for withdrawing his amendment and also to say to Members this is a proportionate, modern measure that protects Jersey, upholds our obligations within the C.T.A., and aligns us with our closest partners. I commend the proposition to the Assembly and urge Members to support it.

**The Deputy Bailiff:**

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

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

May I have a point of clarification?

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

Yes, of course.

**Deputy K.F. Morel:**

I was wondering if the Minister, in her speech, she said that school groups will be protected, visiting school groups will not need effectively an E.T.A. Could she confirm that that will also be the case for day-trippers from France?

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

Yes, I will confirm that. As far as the day-trippers, the E.T.A. and the Day-Tripper Scheme is 2 total separate things, and we will be putting that scheme within the immigration rules.

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

Could I also ask a point of clarification, please?

**The Deputy Bailiff:**

Will you accept one, Minister?

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

Yes, Sir.

**Deputy A. Howell:**

Is the cost going to be £16 for each child as well as each adult?

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

From my memory, I do not think that children will be paying for this, but if anybody wants to make any speeches, I can certainly clarify that if I have a moment in order to run through the rest of my information, but I do not have that readily to hand.

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

This Assembly is probably used to me making speeches that condemn the U.K.'s decision to leave the European Union, certainly the U.K.'s decision to leave the single market and the customs union.

[19:30]

We are seeing the Customs Union, the leaving of the European Customs Union, harming this Island in more and more ways. As far as leaving the European Union is concerned, this E.T.A. system is real proof of the wedge that the U.K.'s decision is driving between us, Jersey, and our European neighbours. If the U.K. had stayed within that system, visitors to Jersey would indeed have needed the European E.E.S. (Entry/Exit System), which is being brought in later this year. They would not have needed something different, which is the case. So basically, we have got the European Union with one Electronic Travel Authorisation system and the British Isles and Jersey with the second Electronic Travel Authorisation system. As a result, we now have to make sure that, in order to go to France, 14 miles away, as we all know, we can see it, we now need to get an extra document. The Constable of Grouville can see it. The Deputy of St. Lawrence certainly cannot. But we now need to get, as well as our passport, a prior Electronic Travel Authorisation in order to go to the E.U. We will need to renew that every couple of years. Those are kind of personal comments, this little bit is with my Ministerial hat on, but importantly, from a tourism perspective, all European citizens are now going to need, in order to come to Jersey, an Electronic Travel Authorisation in advance of coming to Jersey, thereby putting another cost ... it may be small, but it is still another cost, another piece of administration that they have to undertake in order to get here between them and making a decision to come to Jersey. This is going to have almost certainly a negative impact on tourism. I say all of this, and this is not in an attempt to ask Members to vote against, this is an attempt for me to say this is a result of the U.K.'s decision to leave the European Union and it is something that Jersey is suffering. This is yet another cut caused by that suffering. I have to say, and I will take my Ministerial hat off now, from a personal perspective, I was disappointed that Deputy Bailhache withdrew his proposition because I think it is extremely important that we at some point begin to have a debate on our relationship with Europe, because that has not happened in the last 5 years since Brexit. I put my colleague, the Minister for External Relations, on notice that between now and the end of this term I do intend to bring a proposition that does seek for this Assembly to, in some way, explore our own thinking about what would we like to see from our relationship with Europe, and how much control would we like to take with regard to that relationship with Europe. Because Jersey has had no say in the U.K.'s decision to leave the European Union. Jersey had no say, but it affects us directly. I speak with the fishing industry on a regular basis. Sadly, some days it is daily because of the troubles that they are experiencing, which is entirely down to the U.K. leaving the European Union and basically making it very hard for them to access their markets. There are many other areas where we see it. We also see it in the fact that it is now hard to import goods from Saint-Malo, just 30 miles away, effectively, because we are no longer part of the European Union. Yet, at the same time, we have seen Northern Ireland given the very status that Jersey used to have in terms of goods and trade. So that has been taken away. So, I think the word "support" is the wrong word for this proposition. I think we must hold our noses and vote for this proposition, but I do not think really this Assembly should support it from within. It is something we have to do to maintain the good administration of this Island. But it is something that I think we as an Assembly should really start thinking about. What does Jersey want from its position in the world? We are not part of the U.K. We are not part of Europe. We sit between the 2. But, geographically, we will never move further away from Europe. We will never move closer to the U.K. We will always be here, much closer to France than we are to the U.K. I do think it is high time, after 5 years of silence on this subject, that this Assembly broke its silence and started to talk and discuss what we would like to see from our relationship from the United Kingdom and Europe.

### **6.1.2 Deputy R.J. Ward of St. Helier Central:**

Deputy Morel used to have the pleasure of sitting next to me in the Assembly, and I do not ...

**Deputy K.F. Morel:**

Sir, if I may, a point of clarification. It was a pleasure. [Laughter]

**Deputy R.J. Ward:**

I do not know if this is in parliamentary word. We both used to sit there and chunter away about what was happening with Brexit. We agreed on that. I agree with what he has said. This is a product of that and inevitable that we are going to be in this place. He is right, we have no choice but to support this. I do have one question. If there is a simplicity, and I exclude the simplicity for French schoolchildren to come across to Jersey to experience Jersey, I am not sure whether that is reciprocated for English schoolchildren to go to France in a simpler way to visit Saint-Malo or any of the Brittany coast. I imagine that when schoolchildren go off-Island and will take many a trip to Europe and different places, they would have to go through this full system. There are a number of acronyms for it on the Government website in the U.K. I would ask the Minister for Justice and Home Affairs that we should - I am talking as a Minister now - sit down and talk about a way we can assist school parties with that, because it might be something that they could do with some help with as they arrange trips off-Island, because that will happen in Europe. So, really, it was just to ask that question about whether there is a reciprocity - lovely word - with France in terms of the way our children go to France and, yes, we do have to sort of hold our nose, but this was an inevitable product of the wonder that is Brexit.

**6.1.3 Connétable K.C. Lewis of St. Saviour:**

I would dearly love to have the same relationship as the province of Northern Ireland with France. I think that is something we need to explore. My question is to the Minister, and I think it is touched upon by other Members, and of course Deputy Bailhache. Could the Minister explain the proposed relationship between the U.K. Secretary of State and Jersey Ministers regarding a possible acting in place of, or even overruling?

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

I had prepared a response to Deputy Bailhache's amendments, and I fully recognise the weight of that concern. Jersey's constitutional autonomy is of fundamental importance, and we would not compromise that. It is enshrined in our relationship with the Crown and underpins our system of self-government. Nothing in the proposition, nothing in section 11E changes that. Section E does not hand authority to the U.K. over Jersey's borders. It creates an option of permissive power for Jersey to request the Secretary of State to carry out certain functions on our behalf. It cannot happen without our request, and it cannot be imposed upon us. The initiative rests with Jersey, and I just wanted to make that clear. As Deputy Morel, I do not think any of us really ... not many of us wanted to be in this position post-Brexit with extra layers of bureaucracy, but here we are. Guernsey and the Isle of Man are following suit. If we do not do it we could possibly be excluded, so we have to do it. I will leave it there because it is getting late. Just to be helpful, the £16 charge does apply to children and it is valid for 2 years. It is not a charge every time you come in. It is a 2-year charge. It is valid for up to 2 years. That is the proposal at the moment. It could change. Up to 2 years or until your passport expires, if it is shorter than 2 years.

**The Deputy Bailiff:**

Thank you, Chief Minister. If no one else wishes to speak, I call upon the Minister to reply.

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

Firstly, I thank the Chief Minister for managing to find that piece of information. I am not at my best at this time of day. In relation to about deterring visitors from Europe, evidence from other jurisdictions, Australia and the U.S. (United States), and soon will be obviously the E.U., shows that

visitors adapt quickly to the low cost and its straightforward requirements in relation to E.T.A. But what I really would like to highlight to people, and I fully accept that we are content and would be content in relation to our European neighbours, but this is really about also our border security. It is about prevention, not just reaction. It is about us knowing who is coming to Jersey prior to them coming so that we can turn them away before they get here. So, I would like to make that point, and I fully accept that people are not happy how we ended up in relation to the U.K. coming out of the E.U., but I would also remind people that it was Jersey in the past who decided not to join the E.U., and so I think we need to remember that fact. But, as I said, from other jurisdictions, it does not appear to have made a difference. But I would like to just remind people, as I said, about the strengthening of our borders. Also, as the Chief Minister said, the system will operate electronically and things automatically will be issued. There will be technical things whereby further documentation will be required, and Jersey Customs and Immigration will deal with any rejections. So, we will still be involved in the system. This is about the U.K. managing the system and delivering that service, and the £16 obviously will go to them. From our perspective, this is a bonus because this is not a financial implication to us. I think that answers most of the questions that have been asked.

**The Deputy Bailiff:**

Deputy Morel, was there a point of clarification?

**Deputy K.F. Morel:**

Yes, please, sir.

**The Deputy Bailiff:**

And, Deputy Warr, the same?

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

Yes.

**The Deputy Bailiff:**

Yes, are you prepared to take those points of clarification?

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

Yes, sir.

**Deputy K.F. Morel:**

It is just if the Minister could clarify that threats to Jersey can also come from the U.K. and not just from Europe, and so this Electronic Travel Authorisation is only one-way facing. Could she clarify that threats to Jersey's security can come from the U.K. too?

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

Absolutely, and obviously we are all aware of that. But, as I think it has been made quite clear in the past, we cannot control people who have British passports, but we, as an Island, can control those people who we want to ensure the safety of our borders. I fully accept what Deputy Morel is saying in relation to the fact that we cannot control British citizens who may be a threat to us, but we would want to be able to control people from other parts of the world in relation to possible threats. So, I do fully accept what he is saying and, in reality, most people across the world would probably not want to have to have visas. They probably would not want to have to have E.T.A.s and other forms of travel documentation, but that is a reality of the world. But, also, I do think that we need to also be mindful that we do want to ensure our security.

**Deputy D.J. Warr:**

Just one question, and that is obviously at this moment in time we have manual stamping of passports going through. Does this make it easier? Do we have a quicker transition time through into Europe by this E.T.A. system?

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

I think we have become into a question-and-answer system.

**The Deputy Bailiff:**

Yes, that is not a point of clarification.

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

Can I be quite frank? This is about people coming into Jersey will need an E.T.A. Nothing else. What we need to go into France and into Europe and the other questions that people ask me about whether we are going to be able to get the French to agree to more for us, that is for another day. This is purely and simply about us having an E.T.A. and falling in line with the rest of the C.T.A., which includes the U.K., the Isle of Man and Guernsey, because obviously we are going to want to travel to all of those places, and we will be having to have an E.T.A.-type system to be able to go into France, the same as if we go into the U.S.A. (United States of America), Canada, Australia and New Zealand. I propose the proposition.

**The Deputy Bailiff:**

Do you seek the appel?

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

Yes, please, sir.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have the opportunity of casting their votes, I ask the Greffier to close the voting.

[19:45]

I can announce that the proposition has been adopted: 40 votes pour, one vote contre and one abstention.

| <b>Pour: 40</b>            |  | <b>Contre: 1</b>  |  | <b>Abstained: 1</b> |
|----------------------------|--|-------------------|--|---------------------|
| Connétable of St. Helier   |  | Deputy K.F. Morel |  | Deputy H.L. Jeune   |
| Connétable of St. Lawrence |  |                   |  |                     |
| Connétable of St. Brelade  |  |                   |  |                     |
| Connétable of Trinity      |  |                   |  |                     |
| Connétable of St. Peter    |  |                   |  |                     |
| Connétable of St. Martin   |  |                   |  |                     |
| Connétable of St. John     |  |                   |  |                     |
| Connétable of St. Clement  |  |                   |  |                     |
| Connétable of Grouville    |  |                   |  |                     |
| Connétable of St. Mary     |  |                   |  |                     |
| Connétable of St. Saviour  |  |                   |  |                     |
| Deputy C.F. Labey          |  |                   |  |                     |
| Deputy M. Tadier           |  |                   |  |                     |
| Deputy S.G. Luce           |  |                   |  |                     |
| Deputy L.M.C. Doublet      |  |                   |  |                     |

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|--------------------------|--|--|--|--|
| Deputy M.R. Le Hegarat   |  |  |  |  |
| Deputy S.M. Ahier        |  |  |  |  |
| Deputy R.J. Ward         |  |  |  |  |
| Deputy C.S. Alves        |  |  |  |  |
| Deputy I. Gardiner       |  |  |  |  |
| Deputy I.J. Gorst        |  |  |  |  |
| Deputy L.J. Farnham      |  |  |  |  |
| Deputy S.Y. Mézec        |  |  |  |  |
| Deputy T.A. Coles        |  |  |  |  |
| Deputy D.J. Warr         |  |  |  |  |
| Deputy H.M. Miles        |  |  |  |  |
| Deputy M.R. Scott        |  |  |  |  |
| Deputy J. Renouf         |  |  |  |  |
| Deputy C.D. Curtis       |  |  |  |  |
| Deputy L.V. Feltham      |  |  |  |  |
| Deputy R.E. Binet        |  |  |  |  |
| Deputy M.E. Millar       |  |  |  |  |
| Deputy A. Howell         |  |  |  |  |
| Deputy T.J.A. Binet      |  |  |  |  |
| Deputy M.R. Ferey        |  |  |  |  |
| Deputy R.S. Kovacs       |  |  |  |  |
| Deputy B. Ward           |  |  |  |  |
| Deputy K.M. Wilson       |  |  |  |  |
| Deputy L.K.F. Stephenson |  |  |  |  |
| Deputy M.B. Andrews      |  |  |  |  |

**The Deputy Bailiff:**

The next item is the Draft Income Support (Parents, Children and Housing) (Jersey) Amendment Regulations.

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

Before we start, can I propose the adjournment?

**The Deputy Bailiff:**

I thought you would never ask. Does anyone else support the adjournment? Are Members content to adjourn?

**Deputy L.J. Farnham:**

Before we adjourn, can I just ask the position with the Residential Tenancy Law? Members have the law now and I would have this evening and what is left, if they have not looked at it today, to test Members' view. Is that something we will deal with first thing tomorrow?

**The Deputy Bailiff:**

Yes, there is an urgent oral question from Deputy Tadier, which we will deal with first, and then we will return to the Residential Tenancy Law, if Members are content to proceed in that way.

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

That is absolutely fine with me and, if Members have any questions overnight, please feel free to contact me about any of that. Not literally overnight, the evening I should say. **[Laughter]** Please do not call me at 2.00 a.m. in the morning.

**The Deputy Bailiff:**

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

**ADJOURNMENT**

[19:46]