

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 4th JULY 2007

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

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

1. Senator M.E. Vibert:

I asked yesterday, but it was suggested that we dealt with the issue of when Public Business should be arranged today. I have to leave the Island later today on States' business and I would like to know what the organisation for future business is. The Chairman of the Privileges and Procedures Committee circulated a paper yesterday and it was said it would be dealt with today and I understood it was going to be this morning.

The Deputy Bailiff:

I see. That is not the Order Paper. It is an additional paper, is it? Do Members agree then that this is a matter we should take at the beginning of the session? Is this because some people are going to be away, is that right?

Senator M.E. Vibert:

Certainly, Sir, I am away later but, depending on what decision is made, I am sure I, and many others, will have to rearrange appointments and meetings and I thought the longer time we have to do it, the better. It is not connected with business today so I do not think there is any reason to do it at the end of the day. I think it can be done now just as well as any time.

The Deputy Bailiff:

Very well. Well, Chairman, do you wish to speak to this?

1.1 Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):

As Members will see on their desk, there is a list of options. What I would recommend to this Assembly is that we meet on Monday, 16th July and start with the business and, on the Tuesday, go on to the normal Tuesday sitting of questions. If we start on the Monday, it will alter the introduction of questions. It will alter the timing of when people can put in the questions. So I think the solution is, on the Monday, 16th July, to start the business and then on the Tuesday, to have a normal start with questions, et cetera, Sir. So that is what I would propose.

1.2 Senator T.A. Le Sueur:

On the Monday there is pencilled a presentation to States' Members on the Annual Business Plan. While this is clearly interesting, I would support the Constable of St. Clement, the President of the P.P.C. (Privileges and Procedures Committee), that I think the States' business should take priority and that it would be more sensible to start on the Monday and run through that week. I will do my best to find some other time for presenting the Business Plan to Members but I think, of the solutions, this is the least bad being proposed.

1.3 Deputy G.C.L. Baudains of St. Clement:

If I might comment, Sir, it does seem to me with so much work, I mean we are told the work could take 5 or 6 days or possibly more, on the 17th that a modification of the first option might be in order. I notice that the first option is to agree to meet on Tuesday, 10th July as a continuation of this week's meeting. Unfortunately I believe that Standing Orders preclude us from bringing matters forward if we do it that way. What I would prefer, I think would be the best way forward, would be to have a new meeting on Tuesday, 10th July, which would then allow us to bring matters forward from 17th July because not only will people have to

rearrange business that they may have arranged if 17th July goes on for some time, I also am concerned about the quality of decisions being made when people have been sitting for that length of time, Sir. So, personally, I would prefer that we were to meet on Tuesday, 10th July as a new meeting.

The Deputy Bailiff:

Just so I am clear, Deputy, if it is a new meeting then there would be question time and so forth as usual?

Deputy G.C.L. Baudains:

There would, Sir, but, of course, my understanding is that people would already be timed out from putting in written questions. So presumably things would not be too bad.

1.4 Deputy C.J. Scott Warren of St. Saviour:

The question of meeting on 10th July was addressed at our last Assembly and I have a long-standing commitment in England which 2 weeks ago I would have been able to maybe amend and, because I have that commitment, and I also happen to know that Senator Walker is out of the Island, I believe that day... the point I would say is that we have, as a States Assembly, put aside deliberately every 2 weeks to meet. I personally think Monday makes more sense because people know that week that they should be here. Thank you.

1.5 Connétable T.J. du Feu of St. Peter:

It strikes me that the time we are taking to be deciding when we are going to meet, we would have done the best part of the business of today. Surely, let us get on with it. I accept Senator Vibert has made the remark that he has but, nevertheless, we decided that we should agree on the business at the end of the day. We do not know how far we are going to get. It is possible we shall get through the lot and we should get on with it and stop delaying tactics.

The Deputy Bailiff:

Having started this, we ought to try and finish it. First of all, we have a proposition from Deputy Baudains, if it is seconded, that he wants to put in...

The Connétable of St. Peter:

I thought we had a proposition from the Constable...

The Deputy Bailiff:

It is a question of what order we take them in and we just have to do this and I think Members must just take a view. If we want to have one or 2 other remarks as to why we should pick one rather than the other, I am happy to let Members speak.

1.6 Deputy J.A.N. Le Fondré of St. Lawrence:

Yes, Sir, sorry to add to the comments. The point about our debate, if you like, last time round about the order of business, the first order of business on 17th July is the Social Housing Property Plan. I am not expressing a view either way but Deputy Power, who is out of the Island at the moment, is well under the impression that is going to be debated on 17th July and I believe he does not come back until somewhere around 10th July. I do not think that should be particularly fair on him to rearrange everything for 10th July when he is not aware that that is going to take place.

The Deputy Bailiff:

Yes. Clearly, people would have to be willing to move things to 10th July. So even if the Assembly decides in principle to hold another meeting on 10th July, it will then necessarily decide what to put there. So it may be that this points against Deputy Baudains' proposition but that is a matter for the Assembly.

Deputy G.C.L. Baudains:

If I might respond to that. I think some people may be under the misapprehension that we would bring all the business of 17th July to 10th July. I thought the idea was that we would claw some of it forward. So, obviously, we could select what was likely to please the most number of people.

The Deputy Bailiff:

Very well. I think if the Assembly agrees we should take, first, Deputy Baudains' proposition if it is seconded. Does anybody second it? **[Seconded]** He wishes to put in an additional day on 10th July. Behind that we will then consider the Chairman's proposition, assuming it is seconded, which is that the Assembly should sit on Monday, 16th July as a special sitting then. So I am going to put Deputy Baudains' proposition first, so that is whether the Assembly wants to have an extra sitting on 10th July. All those in favour kindly show. Thank you. All those against. That proposition is lost. Very well. So we will come next to the Chairman's proposition which is that the business on 17th July should in fact start on Monday, 16th July; although I think the idea is not question time, that should be held on the Tuesday.

1.7 Senator T.J. Le Main:

I would request the Assembly, because I still have a lot of information to send out to Members, updated information; I have no problem on the Monday, so long as the Property Plan is taken on the Tuesday, please.

The Deputy Bailiff:

Well, presumably, Chairman, if the Assembly were to agree with this, you would have to discuss with all the various proposers which items should be taken on the Monday and present Members with a suggested running order later today. So the proposition now before the Assembly is to sit on Monday, 16th July. All those in favour kindly show. Those against. That is adopted. So the Assembly will now sit on Monday, 16th July but not with question time. The question time will be on Tuesday and, Chairman, you will circulate a suggested running order in due course? Thank you very much. Can I just add one thing? I assume this has been said before but if there is such a long list, have the Members been invited to consider whether each of the propositions is essential and must go ahead that early? Yes. We are down to the hard core, I see. Very well, thank you.

PUBLIC BUSINESS

2. Draft States of Jersey (Amendment No. 3) Law 200- (P.60/2007)

The Deputy Bailiff:

So then we return to today's business, which was the States of Jersey (Amendment No. 3) Law, Projet 60 lodged by the Privileges and Procedures Committee and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft States of Jersey (Amendment No. 3) Law 200-, a law to amend further the States of Jersey Law 2005. The States, subject to the sanction of Her Most Excellent Majesty in Council have adopted the following Law.

2.1 The Connétable of St. Clement:

At present the regulation has been to confer immunity on witnesses to Panels and P.A.C. (Public Accounts Committee). The Chairmen's Committee was concerned that this did not apply to advisors engaged by the Panels. At present this is overcome by the advisor passing the question to a member of the panel to ask. This is clearly unsatisfactory and this amendment will address this problem and would enable regulations to be made to permit the advisor to ask directly. I should draw Members' attention to the fact that advisors will be directing only technical questions to witnesses and will be governed by a draft protocol outlined on page 6 of the report to this proposition. I do not intend to read that out, Sir, but I would draw Members' attention to it. It is quite a strict protocol, which will be in place when the Regulations are in place, Sir. So I would like to propose the citation.

The Deputy Bailiff:

Very well. Is that seconded? **[Seconded]** Yes. Does any Member wish to speak on the principles of the law? No? All those in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Ryan, as chairman of the relevant Scrutiny Panel, do you wish to have this matter referred to a panel? Do you wish to propose the Articles *en bloc*? Are they seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? All those in favour of adopting Articles 1 and 2 kindly show. Those against. The Articles are adopted. Do you propose the Bill in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the Bill in Third Reading kindly show. Those against. The Bill is adopted in Third Reading.

3. Public Elections: Reduction in Voting Age to 16 (P.63/2007)

The Deputy Bailiff:

We come next to Public Elections, Reduction in Voting Age to 16, Projet 63 lodged by the Deputy of Grouville and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion: (a) to agree that the age at which people become entitled to vote in public elections be reduced from 18 years of age to 16 years of age; and (b) to charge the Privileges and Procedures Committee to bring to the Assembly for approval the necessary amendments to the Public Elections (Jersey) Law 2002 to give effect to this proposal in time for the 2008 Senatorial Election.

3.1 Deputy C.F. Labey of Grouville:

When I first began to think about and research the concept of lowering the voting age to 16, I did so from no particular strongly held viewpoint. If anything, I would have tended to the customary view that 16 year-olds might not be mature enough to exercise this right. This was an uninformed and, even if I say so myself, prejudiced opinion. Having researched this subject, read up about voting reform of this kind, visited schools, the youth forum, listened to the Youth Assembly, spoken to and debated with students, I am now firmly of the opinion that we should most certainly reduce the age to 16. In fact, the more I thought about the subject, the weaker and weaker appeared the grounds for denying 16 and 17 year-olds the right to vote and I will explain why later on. But I am particularly convinced that it is even

more important for us in Jersey to make this change, more important than the U.K., for example. Many of our young people leave our shores at the age of 18 and perhaps do not return home for 10 years or so, never having voted in their Island home and having not been engaged in our unique political system before they leave. As we well know, many remain disengaged on their return. We cannot be surprised at this when most people spend their young adulthood in environments in which party politics is the norm, making our non-party system seem strange and difficult to follow. This Assembly has spent a tremendous amount of time and some money recently focusing on the low voter participation we have in Jersey. Most of us recognise that our democracy must be built on active participation by the public. If this does not happen then who knows the consequences and the political and community cohesion when we might face difficult times. We need the credibility and authority to keep our population together. We need, or rather our community needs, our young people to become engaged in our democratic culture. It is very difficult to see how any Member who votes against this proposal will be able to still claim to want our democratic culture reinvigorated. How could we claim that we are striving to improve electoral participation on the one hand while denying this important group of people, Jersey's future, the right to participate? The knee-jerk reaction to this proposition that some Members may have is that 16 year-olds are not mature enough and they have not had enough experience of life to form an opinion. They may not have had the same experiences as a 40 year-old for instance and their views may or may not be more black and white than views that have accumulated over time but they are nonetheless their views and their opinions. What real objections could we make to the political expression of their views that we could not make to other sections of the community? Our population is diverse and is made up of different backgrounds, ages, cultures and views. We do not deny other groups in our society the right to vote because they may be lacking in this or that. For example, if someone inherits a lot of money and never has to work we do not deny them the right to vote because they are ignorant of the experiences of most people who have to work for a living. If we are going to discriminate in this way, why not just give the vote to self-made people or people who have suffered hard poverty or people who have paid tax for the last 10 years? The fact is we all come to the ballot box from different perspectives, the votes from which then translate into our government, the representatives of our people. Why then should it be that young people are denied representation? The Assembly has to consider many matters, some of which our young people have both far more experience of and a greater future stake in than we do. Take for example the cost of higher education and the prospect of student debt or the kind of employment opportunities that are available, the cost and quality of housing and what that means to our young people in practical terms, what they want the Waterfront to look like, the availability and safety of public transport, recreation facilities for young people, the proposed user-pays charge for policing events like Jersey Live. Why should they not be able to talk about such issues to the politicians of this Island on equal terms, as voters? Thus not only talk but crucially, feel their opinions matter and that they are being listened to as well. One reason I have heard for not giving 16 year-olds the vote was that they will be influenced by their parents or friends. Well, they might be, just as husbands might be influenced by the opinions of their wives **[Laughter]** or people might be influenced by the firm they work for or the friends they have or the social circle they move in. Across society people are constantly influencing one another. That is what happens in civilised societies. This is one of those arguments which could be applied to any number of sections of society. It cannot be applied exclusively to 16 and 17 year-olds. But let us remember, this argument was indeed used to prevent a particular part of society from having the right to vote. I refer of course to women whom it was claimed were too easily led by their husbands to be trusted with the vote. So we see how illegitimate is the history of this particular argument, one that was used in an attempt

to deny 50 per cent of the population the right to vote. But we live in a modern society and with strength of mind of 16 and 17 year-olds today, together with the sanctuary of the voting booth, we can be confident of their free choice. We should perhaps consider the existing rights and responsibilities of this age group. There is, of course, the well-rehearsed list of life changing decisions those 16 and 17 year-olds can make and may very well be influenced by others. They can lawfully engage in sexual intercourse, regardless of sexuality. They can get married. They can become parents. They can join Her Majesty's Armed Forces. They may be required to pay tax and social security on their earnings. So why not be able to vote? Is it seriously claimed that going into a voting booth to write a few crosses on a piece of paper is a step of greater consequence than these decisions and responsibilities? No, of course it is not. Probably one of the worst arguments I have heard for denying our young people the vote is because they are supposedly not knowledgeable or educated enough or interested in voting. If there were any truth in that argument, that our young people are not knowledgeable or educated in Jersey, their home Island, then that would be our fault. To say that our young people are not interested is a misconception. If denied the opportunity to participate in politics, in our political system and how it relates to everyday issues, they will be uninterested. What is more, to deny them the vote will compound feelings of alienation and irrelevance to their government and reinforce the impression that we are dismissive of the young. But with a small amount of time, young people soon become alert, opinionated and interested in their community. It is a shame my fellow Assistant Minister, Deputy Ben Fox, is not here because he and Deputy Ian Gorst both took part with me in debates in schools. What usually happened was Deputy Fox and I attended all the secondary schools we were invited to, specifically to talk about lowering the voting age to 16. One of us spoke for and the other against the proposition. Perhaps not surprisingly, at first there was a reluctance of the young people to become involved as politics was passed off as boring and for older people. But during the debates, as the issues became real to them, when it became apparent that votes carry influence and can make changes in our society, a different, altogether more effective and enthusiastic discussion took place. There usually followed a lively question and answer session and then we would take a vote on the question of who wanted the voting age lowered. In every single case, the young people, in different measure, wanted the age limit reduced and I have listed the results of our polls in my report and proposition. When I was first elected, I said I wanted our young people to know more about their Island, their future, their heritage and their history and what has led to our unique community that we are today. It is therefore a source of pride to me to be associated with the new Citizenship Program which we have developed at Education, Sport and Culture. Our young people will at last be educated about their home which will, of course, include their government and the Island's election process. What better way then to engage them fully so they have to think about Island issues, its challenges and its government? What better way to encourage them to get involved in shaping the future than to give them the responsibility of a vote? What better way to make them responsible citizens or, to be more constitutionally correct, subject of this Island? In closing, Sir, I would like to draw Members' attention to the decision taken by the Isle of Man legislature. The House of Keys decided, in February 2006, to lower the voting age to 16 and did so by an overwhelming majority of 19 votes to 4. So clearly did they see the great benefits of involving younger people, the decision was not even close or contentious. I therefore ask my fellow Members to likewise strongly show we recognise the importance of our young people today, to reach out to them. Young people who want to participate in the society in which they live and who want to be responsible and engaged with their community should be able to. If we are at all serious about improving and strengthening our democracy, we cannot deny those that want to participate that right. Sir, I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Yes, Senator Shenton.

3.1.1 Senator B.E. Shenton:

The Deputy of Grouville made a very good speech but, if you analyse it, the arguments were largely generic and could perhaps be applied to 15 year-olds, 14 year-olds or perhaps even 13 year-olds. We are being asked to give young people the responsibility to vote at the age of 16, yet at 16 they do not have the responsibility to drive a car. We want to give them the responsibility to vote; yet they do not have the responsibility to stand for election. They cannot drive a motorcycle. We want to give them the responsibility to vote and yet, if they commit a crime, they cannot be named because they are not mature enough to be named and their actions may be seen as not that of an adult. You cannot register for income tax until you are 17. We want to give them the ability to vote and yet we do not trust them to drink alcohol in a pub. They cannot go to an X-rated film. They cannot go to nightclubs that serve alcohol. I have a couple of teenage daughters and they have no interest in politics. **[Interruption]** **[Laughter]** But they would vote for me, thank goodness, because I am their dad but for no other reason, not necessarily because they agree with my policies or anything else. **[Interruption]** **[Laughter]** Mind you, I am 46 years old and yesterday afternoon I had no interest in politics either. In fact, by the end of Deputy Baudains' summing up speech, I had very little interest in life itself. **[Laughter]** What I am trying to say is I do not think there is this groundswell of 16 year-olds waiting to knock at the door and wanting to get the vote. It is just not there. Again, with this, we do not have a set age for anything. Even under Income Support, we are sort of struggling in Income Support as to what age to set different criteria at. It just seems totally illogical to say: "You can vote at 16 but you cannot do many other not quite so responsible jobs or things until you are 17 or 18." I wonder whether it is the lack of electoral reform that this is a last desperate attempt to try and get voting figures up because we cannot address what the public have asked for and reform the States. I am going to draw my speech to a close but, having sat through the debate yesterday, may I remind all Members of the House, and especially the older Members of the House, that under Standing Orders, you should not speak unless you have something new to say. You should not repeat what has already been said and, sadly, I have noticed in the last 12 months or so there has been a distinct movement towards more than one summing up speech, where people go through what people have said before them. People do tend to hold back on speaking. They say: "I do not want to speak yet, I want to hold fire", which means it is very rare that they do say anything even when they stand up. So I would like to see the quality of debate move forward and, if the quality of debate moves forward, then maybe the young would be interested in politics and then maybe we can readdress this issue in due course.

3.1.2 Senator M.E. Vibert:

I will not wait and I hope not to repeat things too much, I have a plane to catch later, but I think this is a very serious issue and I could not disagree more than with the last speaker whose speech was a mixture of confusion and prejudice. **[Members: Oh!]** The argument against seems to be not mature enough; we do not let them do other responsible things so why should we let 16 year-olds have the vote? I will try not to repeat Deputy Labey's excellent opening speech, parts of it, but will address the responsible things we do not let 16 year-olds do. Well, we do not let them go in a pub until they are 18. Perhaps that is the reason why we let them vote at 18. Perhaps that is the qualification. It does not seem a very sensible one to me. We do not let them drive a car - no - but we do let 16 year-olds join the Armed Forces and get married, which seem fairly responsible things to allow 16 year-olds to do; to fight for their country and get married. I think the question of maturity is a state of mind not age. You

will have some 16 year-olds who are far more mature in their outlook and their development than 18 year-olds. In fact, you could go further up in the age scale and make the same comparison. With Senator Shenton saying he does not believe there will be a groundswell of 16 year-olds, you know, demanding the vote and I agree. Why should we wait for a groundswell? Why should we be forced into it? Why should we go back to the Suffragette movement where women had to fight for the vote? We should allow 16 year-olds who are interested, who deem themselves mature enough, to have the opportunity to vote and that, I think, is what the debate is all about today. It is not a question of expecting every 16 year-old to want to vote. It is about giving those who wish to the opportunity to do so. We have revitalised our citizenship curriculum in our schools and we have put more emphasis, at the wishes of many Members of this Assembly, on Jersey, the Parish system and the States' system. What greater incentive in developing the curriculum than to be able to say to our young people in schools: "and you will be able to vote at 16." That should encourage their interest even more. I think the arguments that I have heard from Senator Shenton, the only arguments that I have heard and can see against allowing this move down to 16, are basically ageist. They are saying: "Oh, do not trust 16 year-olds. Trust them to get married. Trust them to join the Armed Forces. But do not trust them with the vote. Well, I can assure Members here, and I hope some Members who have been in our schools who have debated with our young people will believe that many of them are well-informed and would make very good use of their vote. We at present allow anyone who is 18, who might have just moved to the Island at 16, lived here 2 years and at 18 they can vote or at any age. They move here for 2 years then they can vote. Are we seriously saying that someone who has lived in the Island for 2 years will be better informed than someone who has come through our school system and gone through our citizenship curriculum? Some will be, many will not be because they will not have had the benefit of being taught and understanding the way Jersey operates. I urge Members, please put your prejudices aside and support this motion.

3.1.3 Deputy K.C. Lewis of St. Saviour:

I will do Members the courtesy of not repeating things that have been said before but I fully endorse everything said by Senator Shenton. I would also like to add; of recent times we have changed the law to prevent young people under the age of 18 buying cigarettes, so we are definitely sending out mixed messages there. So I would fully support Senator Shenton in this and I will be voting against this motion. Thank you, Sir.

3.1.4 Senator T.J. Le Main:

For the sake of repeating it, I tend also to agree with Senator Shenton. I have to say, Sir, that last year I was invited to speak to senior students at Victoria College and the debate was about reducing the voting age to 16 and I was very, very surprised at the amount of lack of knowledge by the senior students. Most of them did not know who their Deputies were, their Constables and Senators, and the lack of knowledge was quite incredible. But the interesting thing was, Sir, after much discussion, the students felt that reducing the voting age was not an appropriate matter on their view and they all voted - apart from about 4, I think it was, or 5 - they all, virtually unanimously, supported maintaining the status quo. So, on that basis and the very good argument put forward by Senator Shenton, I do feel, Sir, that this would be a little bit early at this stage in supporting this proposition.

3.1.5 Deputy P.V.F. Le Claire of St. Helier:

I think it is unfortunate that the arguments are not really based on any sound evidence so far. It has just been a view that Members have got or have brought into the Chamber, which will probably leave us all voting with our original beliefs when we came in this morning. It is a pity because I thought the Deputy of Grouville's speech was particularly good this morning

and I would like to congratulate her on that speech because it was well informed and it was well researched as well. Senator Le Main makes the point that most of the children in a particular classroom that were engaged in this discussion did not know who their Deputies were. Well, most of the public do not know who their politicians are, regardless of age. If we deny all people the right to vote then we deny all of them the interest in the issues, all of them the interest helping to shape their own futures. I remember when I first came into this Chamber at the age of about 10 or 11 and I walked through, with a class, this very building and I looked at the different desks around the room as part of a class tour. I was very engaged at that age and very determined that in the future I would like to join the States and that was at a very, very young age. Some people may not be happy with that but there we are. Because of the fact that I was engaged at that young age meant that politics did play an important part in shaping things I did. I took the logical step that, not having the greatest of educations and not having the greatest of funds, one route into the respectable background that one would need for a politician would be to join the military and then have that on my CV (curriculum vitae) when I put myself forward for election. I determined, as at the time a marine cadet, that perhaps the way forward would be join the Royal Marines because it did seem that that regiment was held in high esteem by many people. So at the age of 16 I joined the Royal Marines and that decision to join the Royal Marines was based upon the fact that I wanted to, one day, have the CV with that on so that I could put myself forward for public office. Now, my politics may not be everybody's politics but they are some people's politics and I may not speak for everybody on every issue but I do sometimes speak for some people on some of the issues. People talk about the percentages of people that will be voting and how will that look. I would like us to take our eyes off the bottom line for once and look at the individuals that are going to be affected. It is true if we give 16 year-olds the vote we will also be possibly affecting the percentages of turnout, dependent upon whether or not they or their peers or their family and elder members bother to show up at the next elections. We all have a duty and responsibility to make sure that the next elections, if possible, reinvigorate interest in politics in Jersey. If we send out a message today that we are just a bunch of old fuddy-duddies stuck in 1907, this is 2007. Senator Le Main makes the point "not yet, we are not ready"; when will we be ready to acknowledge that the younger people today have a far more diverse background of knowledge, due to our education systems and our communication systems, than many of us had at their age? Most of the young people these days have a wealth of knowledge that far exceeds that of their grandparents thanks to the modern forms of communications that I mentioned. It also seems ludicrous to try to align this decision to empower these young people with their ability to take actions that might produce self-harming; for example, cigarettes and alcohol. We choose specifically not to allow them to do that because we do not want that type of attitude in any age of our society and eventually, as we move and progress forward, cigarettes will cease to have a place in this society at any age. We probably do not allow them to parachute until they are 18 or a certain height or something but it is a ridiculous notion that you should stop all of them from voting because some of them are not ready. Some of them certainly are ready, some of them certainly are empowered and some of them certainly do want to vote. Some 18 year-olds can vote but they do not. Some 28 year-olds can vote but they do not. Many ages of people can vote but they do not. I would put it to Members that the reason that they do not is because we do not empower society. If we empower them at a younger age, they are more likely to be connected to their own destinies and their own futures than if they are dragged into it at the age of 35 or 45. At the last election I stopped a lady to say: "Thank you for coming out - la, la, la." She jumped out of a taxi, she says: "I have come to vote. I have never done it before." She was about 40 years of age. She says: "I do not know what to do, how do I do it? I have come to vote for you." Now, why did it take that lady so long to get engaged in politics? I questioned her on

the way out and she said: “Until now, there were no issues that were before me that I wanted to actively participate in but you are striking a cord with me and I want to be involved and I want to affect my future; because you are saying this, I have come out to vote for that particular reason.” She may not have agreed with the rest of the things I was saying but one particular issue she agreed with and that will be the same for people of all ages in any year. In any given year, different issues; in any given month different issues will come to the fore that people will have an accord with: whether it be high hedges or low water fishing or flats or this particular issue, people will be interested. I think to just turn around and say: “Oh, young people, they blah, blah, blah,” it is just ridiculous. There are some young people out there that do want to actively participate and I think it would be a great shame if we did not allow those that do want to participate to have that opportunity. I certainly hope - I certainly hope - that Members will realise that we will be empowering for the next election a lot of young people, possibly by agreeing this today and setting out in the world a new mark for Jersey, because it is quite a mark to do this. We will reinvigorate politics and the interest in politics across the Island at all ages. I certainly do hope that Deputy Labey is successful in getting this through today.

The Deputy Bailiff:

That is the second occasion; Senator Vibert also referred to her as Deputy Labey - it is of course the Deputy of Grouville.

Deputy P.V.F. Le Claire:

Sorry, Sir. I beg your pardon, the Deputy of Grouville. I beg your pardon. On that note, Sir, I would just like to say I congratulate the Deputy for the research she has done and bringing this issue before us today. I hope Members can support it.

3.1.6 Deputy J.J. Huet of St. Helier:

I must congratulate the lady Deputy of Grouville for bringing this matter before this Assembly in an attempt to sort out the different age groupings that we appear to have in this Island. Sir, I think most of us have heard the saying: “Seen that, been there, bought the tee shirt.” Well, I, for once, can completely agree with that and why can I say that so confidently? The reason is, Sir, that I got married at 16 and so I have been there, seen that, et cetera, et cetera. I know that my poor husband is still moaning that he is on his third life sentence with no time off for good behaviour but I can always remember, Sir, what I always thought was the unfairness of 3 ages that used to exist. That was the 16, 18 and 21 for rules and regulations, but please let me explain further. One could get married at 16, with your parents’ permission. But if they refused because they thought you were too young, one only had one alternative. You could elope. Now, I know that sounds very romantic. It is not because I did just that. I remember the train stopped at Glasgow, Sir, and when we got off I could not understand a word anybody was talking about **[Laughter]** but that is another story. So, where was I? Yes, 16: could get married, could have babies - I could have babies. At 18 I could go off to fight and die for my country but I still could not vote, I could not rent a flat, I could not buy a house or make a will out and I still needed to have my passport signed by an adult. That could only happen when I was 21. I will come back to that. So, there we are: 16, married, no babies as of yet, but I definitely thought I knew it all. I was an adult. So what was the first grown up decision that I made? Well, Sir, believe it or not it was not to pay an insurance. In those days, one could go on one’s husband’s stamp and this was good value as far as I was concerned and now, Sir, I would have to say: “How did that first grown up decision work out?” Well, I now know that I will never, ever receive a pension in my own right. A gentleman a short while ago did a survey on States’ Members and one of the questions was about pensions and what one would eventually receive and I had to tell him that

I could only hope that my husband did not want to put me in for part exchange for a younger edition because, if he did, I was going to be in trouble. I guess that was not a very good, grown up first decision, Sir. Sir, a few years ago the age of majority was reduced from 21 to 18. So previously we had had the 3: 16, 18 and 21. At least we were now down to 2: 16 and 18. So, now let us go to the age of 18. A short while ago I believe we were told we had to get our laws into order and to reduce the age to 16 for consenting, same-sex partners. As the law stood, it was against human rights and if one could get married at 16, though still with parents' consent, the same right should be enjoyed by all. The law was passed, though I still believe, Sir, most women were not convinced that their sons were as mature as their daughters; but the experts said the law was the law. So now we can all have sex at 16 with whomever we like as long as they are over 16. But still cannot get married without permission, cannot vote, cannot die for our country, cannot buy a house or make a will. I am not sure about the passport bit. But that will have to change under Human Rights eventually. So what can we gain by bringing the age down to 16? Well, Sir, the one thing I remember that really used to annoy me, that when I could smoke at 16 but I could not go into a pub to have a drink until I was 18. Well, I guess, as we have now reduced the age of consensual sex and if we reduce the age of voting, the smoking and drinking - we only put it up a short while ago - will, as night follows day, shortly follow and reduce to 16. Well, the Treasury, I should imagine, will be happy as there will be more import duty to pay and we all know that young people like to experiment so that will be one extra income. What else could we do? Well, at the moment we have juvenile courts, up to the age of 18, but that can reduce to 16. If they are old enough, as said before, to vote, they must be also responsible for criminal offences and be named publicly and, of course, they will be able to go to prison at 16 instead of a remand home. So there is another saving, this time for Home Affairs. What else will we be able to recoup funds on? Well, there is Housing. At the moment, when a young person reaches 18, the rent gets increased for the family but that would drop to 16. What else? Well, we have driving at 17; that would bring extra money in if we make it 16 you can drive. So I leave you, Sir, with the retired Senator Lakeman's story about when he was at Hautlieu. They ran an election campaign in 1984/1985 and asked many politicians to go and speak to the students. I believe they ran it extremely well, exactly as it would be run in public life, and then they would vote. I asked Advocate Lakeman yesterday to confirm the result again and it was quite funny as he said he had only just recently found the original papers and he told me the students had voted, and I did check it out with Senator Le Main, that Senator Le Main would be equivalent of Chief Minister for Life when they voted, Sir. I would, Sir, that these could well be the eventual results of [Laughter] lowering the voting age to 16. I think I got that slightly mixed up towards the end, Sir. Thank you very much, Sir.

The Deputy Bailiff:

Senator Le Main may change the way he is going to vote. [Laughter]

3.1.7 Deputy C.J. Scott Warren:

Well, firstly, I can assure Members that the Minister for Health and Social Services would have issued comments against this proposition by the Deputy of Grouville if he considered this proposal was dangerous to health. This proposition has been compared with having a smoking ban until 18 years old. There is no comparison. That is a red herring. So, Sir, I totally support this proposition. If young people become engaged in the democratic process from 16 years onwards, it is far more likely that, whether they leave Jersey to study and stay in England or, hopefully, return or whether they remain in Jersey, the engagement from the age of 16 onwards will mean they will continue, or certainly more likely continue, to vote and to be interested in the political process. Sir, I spoke to a member of the Manx delegation at the Commonwealth Parliamentary Association Conference in Belfast this May. As has been

said, this provision to vote at 16 was introduced there and I believe that an election in the Isle of Man has since taken place. The delegate did tell me that it is seen as a very successful provision there. So, Sir, I will most certainly be supporting this proposition. I urge other Members of this House to do likewise. Thank you, Sir.

3.1.8 Senator J.L. Perchard:

Just an interesting point, Sir, that I think Members would like to be aware of. It is an important principle of democracy I believe that people can vote from among their peers, from among their equals, their choice of representative for government. It is a fact that the Standing Orders of the States of Jersey does not permit anybody under the age of 18 to sit in this Assembly, so you have to be above the age of 18 to sit in this Assembly, and I put it to Members that we will empower people to vote but not for their peers and not for their equals. I suspect that the Deputy of Grouville has missed a point here and I do not think we should enfranchise people who are unable to take a seat in this Assembly and I ask Members to consider that when voting.

3.1.9 Deputy A.D. Lewis of St. John:

Having read this proposition thoroughly, at first I was of the opinion that perhaps this was not such a great idea but reading the Deputy of Grouville's proposal, to me I cannot see anything against it really. It does empower young people in a way that we say they should be. They should be interested in politics but it is difficult to engage them. We do have a high proportion of young people that leave the Island and go on to further education, 45 per cent, many of whom do not come back for many years. I was one of those. I left the Island at 19 and did not come back until my late 20s. I did not vote in Jersey until I was in my 30s because I was disengaged from the process and the most fascinating thing about this proposition, I thought, was that analogy that this affecting those people registering to vote and I had not registered to vote. In other countries it is automatic. In France, at 18 you are automatically registered. You do not have to do anything. They know you exist already. They know you were born in the country. There is joined up thinking, joined up IT systems, and they register you automatically. That is something which I do hope we will have here eventually, with the Population Office being linked to the Office of the Registrar. We are working on it at the moment. But without that, at the moment, they fall through the loop. I was one of them. How many others are there? Now, some seem fearful that these 16 year-olds will vote. God forbid, they will vote and they might disagree with some of the old fossils that they think are in here. I count myself perhaps as one of them in their eyes. The problem is that they are not engaged with the process and this would, I believe, engage them. The arguments against it I believe are weak. They are going to be influenced by their parents. Have you ever tried influencing a 16 year-old? I was one once. We all were. A number of us have teenage children, maybe even teenage grandchildren. Teenagers at 16 and 17 are very difficult to influence. They have their own mind and they want to express it. So influencing them by their parents, I am afraid, is a non-argument. We definitely need more joined up thinking. We definitely need more people to register and this is just one way of doing it. In the Isle of Man elections, there were 2,000 people that qualified in addition to the year before because of this change in regulation but only 200 of them voted. That is not going to make any major difference as to the policies that we set in this House because, unfortunately, no matter how hard you try and engage them, they are not going to vote probably until they are 18, 19 plus anyway. The issue here, in my mind, it is more important that they register so that in later life they do vote because far too many are falling through the net. That is the problem that P.P.C. were highlighting recently in many of their proposals, is engaging the voter and getting more of them to vote. If you start early with engagement, with the civic studies that are now going on at our schools and colleges as well, this is all part of that process. So I can

see absolutely no reason whatsoever to vote against this and I think we are going to look rather daft if we do. Thank you, Sir.

3.1.10 Deputy A.E. Pryke of Trinity:

On the face of the proposition, it sounds really good that we should be looking at reducing the age of voting but I do have a few concerns. One big question in the proposition, and it states: “falling levels of participation in elections” and then later in the same sentence it comments: “Why did we not bring younger people into the electoral process a long time before?” But by approving this proposition, are we saying it is the answer to low numbers of people voting? I think not. I wish it were that easy. It just seems to be moving the goal post without addressing the problem. I totally agree that raising the awareness of the political issues and the democratic process is a good thing but, before we reduce the age, I would like to be convinced that there is more education in the schools and that the young people really want it. I applaud the new Citizenship programme the Education Department is doing in the schools but does it address why we vote, the ramifications of voting for this person or that person’s policies and how they would affect the Island? Most of us who are here today have taken part in the Citizenship programme over the last few months and it is good to be part of that. We need to do more to engage with younger people but I would like to ask, is it also happening in our youth clubs? At 16, do our young people want to vote? Has this proposition come through the Youth Council or the Youth Assembly? Are they supportive? Have we been lobbied by young people? Are there any comments? Are there any comments? Are there any students up in the gallery? There is one but I think he is at university. **[Laughter]** I thought I would like to ask some of the young people at a youth club their thoughts. I just asked them some basic questions; not very scientific I must admit, but just to give me a flavour. Do they know who the Chief Minister is? Well, one of them said: “Can I phone a friend?” “No, but I have heard of Frank Walker.” I thought that was good. Quite a few did say Frank Walker, some said Senator Syvret and one said Gordon Brown. **[Laughter]** What do politicians do? “They make decisions for people.” “Do not know.” “Put across what they want changed in the country.” “People to lead somebody.” So that was quite positive. Why do people vote at elections? “So they can have their say.” “To get new politicians.” “To decide what leader is of all the things.” “Do not know.” “People to lead somebody so that everybody gets a choice.” So, quite positive there really. Where do you hear about all these issues? “In history.” “Went on a trip with school.” “My mum.” “News.” “Nobody.” “Not interested.” “School. No, actually the TV.” Would you vote if you could at 16? “Yes, to wind up politicians that I do not like because every vote counts.” “No, because there is no point.” “No, because I am not interested in that kind of thing.” “No.” “Do not know.” “I do not know how to vote.” “Might do if I knew more.” So, as you see, Sir, there is some awareness in the schools but I would like to see more work and broadening of the Citizenship Program in the schools and in the youth clubs and how that program is going to be audited before I am convinced to vote. Thank you, Sir.

3.1.11 Connétable K.P. Vibert of St. Ouen:

The Deputy of Grouville’s report has a number of bullet points, which I think are very interesting because I think they highlight the attitude of many old people - myself included - in the Island. If we look at those bullet points you see 16 year-olds are not knowledgeable enough to be given the vote. Well, are 18 year-olds knowledgeable enough, in our opinion? Are 20 year-olds knowledgeable enough? 16 year-olds could be subjected to pressure to vote in a particular way by their parents but then so could 18 year-olds, so could 20 year-olds. They have peers. Their peers are going to encourage them to vote in a particular manner. If we have political parties, the political party is going to encourage them to vote in a particular manner. 16 year-olds are not interested in voting. Well, I would suggest to the Assembly that

there are a whole load of 40, 50, 60, 70 year-olds who are not interested in voting. The figures show it because, even though the parishes send out an annual form and 2 annual reminders, there is still a whole load of people who contact the Parish Hall and say: "I do not want to be on the electoral register", so they do not want to vote; so 16 year-olds would not be any different to grown-ups. 16 year-olds are not mature enough. **[Interruption]** I have been challenged about grown-ups and I think it is a term that we use. It is a term that is well recognised, that at 16 when you are at school you are not grown up but at 20, 25 you are grown up. It is maybe something we need to question, whether people are grown up at that stage. It says that 16 year-olds are not mature enough. Well, I think that may be right. Some may not be mature enough but I would suggest to Members that some 18 year-olds are not necessarily mature enough to be voting if that is the way we feel. I think that we are in danger here of falling into the trap, which the general public use, of saying: "16 year-olds: you cannot talk to them, they are rude, they get up to all sorts of mischief." I am sorry, that is not the case. Yes, a small minority do but generally 16 year-olds that I speak to are well mature. They are well informed. Yes, they do not know about voting because the system so far has not led them into wanting to know that at 16. If we bring in 16 year-old voting, then I would hope that the recently established citizenship part of the curriculum will ensure that, at 16 years old, they are properly aware of what the issues are. Certainly, as far as I am concerned, I am very keen to get younger people involved and I am looking at the moment to establishing a panel of young people to come to the Parish Hall at St. Ouen and to look at the issues that I have to deal with on a weekly basis; not necessarily to make those decisions but to make them aware of the decisions that I have to make on behalf of the public. I think, Sir, that we are in danger of looking for reasons not to do this instead of looking for reasons to support it.

3.1.12 Deputy C.H. Egré of St. Peter:

I rise firstly to say that there has been no upsurge of people talking to me in my Parish with regard to lowering the age to 16. On the contrary, most adults, grown up people that have spoken to me, are expressing their own concerns that we should not lower the age to 16. But my main purpose for standing is to correct a statement made by the Minister for Education, Sport and Culture who said in this Assembly that you could join the military to fight for your country at the age of 16. Sir, as a former Royal Air Force officer of 27 years standing, I wish to correct that very clearly. You cannot. At the age of 16 you can join the military as a cadet. You can join the military as an apprentice. You cannot fight for your country in an operational theatre until you are at least 18. Going back to joining the military, unfortunately you cannot elope into the military but you can join at 16 with parental permission. I just wish to make that absolutely clear for any people who might have children or youngsters at the age of 16, joining the military, that they will not be going into an operational service.

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

We have heard quite a wide range of views already but I think from time to time we have drifted off the central subject. The central subject, I think, and the motivation for this particular proposition is one of engagement of the public with the electoral and democratic process. We have heard from Senator Le Main in particular, but from others as well, that young people are simply ignorant of the political process. They do not know about the process and they are not engaged. **[Interruption]** Fine. I paraphrase and I accept what you are saying but surely the point made by the Deputy of Grouville is that this probably is the single most effective way to engage and motivate those particular people. It is all very well saying: "You should be interested in politics." Of course. We, in this Chamber, think everybody should be fascinated by it and dying to get to use their vote. They are not, as we have heard said, and these young people are no more engaged than the rest of the population

and, again, that has been used as an argument - you know, 2,000 in the Isle of Man, only 200 turned out to vote - that it is not worth doing. Why bother? Again, that is a very thin argument. The results of laying this seed down now may not be felt, may not be seen at the next election. I doubt very much that we will get any greater participation, or we may, among 16, 17, 18 year-olds in 18 months time than we do from the rest of the population. But the election after that and the election after that and the election after that, I think we might see the results. We might reap the dividend of making a move now that will produce long-term and much greater interest and participation, active participation, in our democracy. That is what we have to nurture, I believe, by voting for this particular motion because the central argument that to engage the 16, 17, 18 year-old you have to give them a stake. You have to give them a stake. There is no point saying to them: "You should be interested, why are you not?" because they can simply say to you: "And have I got the vote?" and the answer will be: "No." If we do not allow this liberalising and empowering motion through, the next answer will be: "And we have just recently stopped you getting the vote because some people thought you should have it and we decided no." Is that the message we want to be giving to 17 year-olds? I do not believe it is, while at the same time saying why are you not interested when you are 25? Because the argument is, yes, many of our young people do go away for lengthy periods and eventually they come back - never having participated in our electoral system, having learnt about party politics, having learnt about different systems but not engaged with ours. Let us get them early and they may retain that sense of engagement and they may come back and vote and get engaged. I remember when I first had the vote and it was a significant moment in my life. I was away at university and I was aware that at last I had the vote, the commitment - I am a strange creature - the political commitment I had had for a number of years, back then - what a sad creature indeed - could be put into action. I was only disappointed at the time, because I was in Guildford **[Laughter]**, a remarkably Conservative part of the country, and there was no Labour Party candidate standing, but I did go there, and I reluctantly went to vote for a Liberal Democrat to unseat the Tory. Sadly, he failed miserably; he got nowhere near, but at least I did my bit and it was a satisfying moment. But that feeling, I think, is significant and could be made more significant for many of your youngsters. In terms of the commitment as well, you listen to most 16, 17, 18 year-olds. They are fantastically committed to all sorts of things. You talk to them about green issues, about the environment - bang. Half an hour later they will still be talking at you, some of them will. Talk to them about racism: for and against, whatever, but as an issue. Talk to them about discrimination. Talk to them about the bus service and, again, expect another 20 minutes. Yes. Of course they are committed. What they do not have is the ability to put that commitment into action because we say they cannot have the vote. I think we have the opportunity today to allow them that privilege. No. No, that is the wrong word, is it not; that right, that basic right. Another point, we are told again there is no groundswell, there is not rioting in the streets from 16, 17, 18 year-olds, a clamour to get the vote, but look at the figures in the report. When talked to about these issues from 14 year-olds up to 18 year-olds, all of them saying: "Yes, please, give us the vote." So if you ask and you ask properly, yes, they will say ... They are not hammering on the door but they will say: "Yes, we do want the vote" and I believe they do deserve the vote. Just for a minute I want to address Deputy Huet's point that she managed to suggest, I think, that we should not be voting for this proposition because at 16 she made a mistake. **[Members: Oh!]**

Deputy J.J. Huet:

That is absolutely incorrect and I find that quite offensive, Sir.

Deputy G.P. Southern:

Not, I would suggest, in choosing her husband. That was absolutely correct, but in deciding - wait for it please, I would not dare criticise the Deputy's choice of husband; that was obviously magnificent - but her choice not to pay her stamp. The point being that that was a mistake she made at 16 but that is not, I believe, a convincing argument for not giving 16 year-olds some control and particular rights to make decision on their behalf because, if you were to talk to many women of all ages who at various ages had made a choice not to pay their stamp, they too might find themselves in a situation where their pension was taken away from them; that they had no pension coming to them as a result of marriage break-up or whatever. That is a mistake, I believe, on our part, in our treatment of them, and not a mistake that belongs to 16 year-olds. It belongs to you when you are 21, when you are 30; many, thousands of women out there have got part-pensions and will be in pensioner poverty because of those sorts of choices; a mistake made a long time ago, but it is not universal and it does not apply only to 21 year-olds. It is something that we have done since. No. Giving 16 year-olds the vote, I believe, must be the right way forward, not just for those 16 year-olds but for the future commitment of the young people in our community to the electoral process. It is the single most effective thing I believe we can do in the long term.

3.1.14 Senator L. Norman:

Until Deputy Southern spoke, I found the speakers this morning to lack passion and lack enthusiasm on this particular issue, and I suspect that is because the reality is the demand for the change is lacking. Enthusiasm in the Island for the change is lacking. The call for this change is not there. This is an issue about which I have had not one telephone call, not one email, not one letter. I have had some about hedges. I have even had some about GST (Goods and Services Tax). I am involved with the youth club. No enthusiasm for this change whatsoever. Now, I was impressed when Deputy Scott Warren told us what a wonderful success this has been in the Isle of Man, judging by the friend she met in Belfast. She did not tell us what the criteria for this success were but it was good enough that her friend in the Isle of Man told her it was a success. But, the Deputy of St. John put that success into perspective, did he not? Ten per cent of the new age entitled to vote use their vote. What a tremendous success. I mean if that is success in the Isle of Man then no wonder they are perhaps not doing as well as some might hope they do. That is not success. One of the things that if this happens in Jersey, and we have the same success rate, then our percentage voter turnout is going to plummet again and the Privileges and Procedures Committee have tried to move mountains to improve, increase the voter turnout. This will make their job even worse. So, what happens when we recognise it?

The Deputy of St. John:

I think the Senator is misleading the House there. What I was saying was engage them then, and then when they are 18 they are more likely to vote. Not that they would vote at 16, I said they probably would not and used the Isle of Man as an example.

Senator L. Norman:

Sorry, I thought we were told, Sir, that 10 per cent of those eligible in the Isle of Man voted, which means in my book that 90 per cent did not vote. Am I wrong?

Deputy C.J. Scott Warren:

A point of clarification, it was seen by the delegate to be a success because the numbers were fairly low but they will grow as 16 year-olds become more engaged. It was seen by the delegate as a success.

Senator L. Norman:

I hope I will be able to have another speech later as well, Sir. So, what do we do when we have this wonderful success of 90 per cent of our young people not voting? There will be a call made to reduce the age to 15, just as logical; 14, just as logical; 13, just as logical. There are places in the world where people can legitimately get married and have children at 12 and 13. If it is legitimate somewhere else, like the Isle of Man, it can be legitimate here. Why not? But then of course if we start giving the vote to people at the age of 13 think of the implications. Parish Assemblies will have to be held really early because we cannot have the votes taken after bedtime, can we? Sir, I detect no enthusiasm for this change, no demand for this change, and certainly in my book no case has been made for this change.

3.1.15 Deputy R.G. Le Hérissier of St. Saviour:

That is a bit hard to follow. I think there are some issues where the decision is taken as much on principle as it is on pragmatics and while Senator Norman is arguing on pragmatics it begs the question well, where on earth do you put the line? We could go on for ever about determining where you put the line. You ultimately take a mix of a principle and a pragmatic decision. I do approve of it wholeheartedly but I do think, Sir, that the Deputy of Grouville is over-selling it for certain reasons. We do have a party system in Jersey. We have the establishment party but more importantly we have the apathy party. If you look, Sir, at the Senatorial turnout figures even in what was the real humdinger of an election where there were real issues, if you follow Deputy Le Claire's thesis that it is issues that bring out people, be it compost or even in 1948 it was government reform, we only had 57 per cent. We had an average of 47 per cent turnout to 1996 and it has gone down, Sir, from 1996 to now to about 43 per cent, 44 per cent. So, it is the apathy party that rules in Jersey and that is the important thing. I think the reason that the apathy party rules and why young people could well change it, albeit in a modest way at the beginning, is there is this real issue, Sir, in our system, which I do not think the Deputy of Grouville has confronted. It is a lack of connection between how you vote and the effect that vote has on the outcome. People simply do not believe that connection exists. They believe, most of them, that they are engaged in a futile exercise. They are voting for old fogies like myself, for example, who historically might have performed, where we are now is another issue, and so forth and so on. That is what they believe. They cannot see any real connection. If you bring, Sir, young people in, and if you have been to their debates, if you have been, as a lot of Members seem to have, to the schools and addressed the sixth forms, what they have an interest in is issues. They do not care whether I was related to Terry's father's mother's brother's sister for example, and that I can prove my lineage in that regard, as I can. Which is why I will vote, perhaps, even for his Property Plan. They do not care about that. They are much more interested in issues and they argue them, as somebody said, with passion and so forth and so on. In fact, Sir, if they came in numbers, and they will not unfortunately, but if they did they would really revolutionise the way this Assembly works. We would have to wake up. We would have to argue our corner in ways that we are not used to arguing our corner. What I would like the Deputy of Grouville, Sir, in her paper, because what she is not prepared to do as a card-carrying member of the traditionalist party, she is not prepared to face the consequences, Sir, of dealing with a system which is in a very painful, hesitating and probably, sad to say in regard to what will happen on the 17th, a fruitless journey into change. I think what she has to look to, Sir, are some very uncomfortable questions and she must not be deluded into thinking that her citizenship programme is about defending a system frozen in aspic. If she runs a citizenship programme on that basis it is doomed, quite frankly. I am very good, Sir, at giving tedious descriptions of the institutional structure of the States and so forth and so on, but I cannot think of anything more likely to send people around the bend. Look where it has led me. I cannot see anything more likely to send people around the bend. What a programme should

do is what some schools are doing now and have done for decades, is generate debate, generate discussion and generate interest and be prepared to deal with the fact that this will lead to hard differences and it may eventually deal, Sir, with the apathy party. So, I think please, please I have no problem, let us give the vote to people at 16 but let us face up to the issue that if you are doing it on the basis of a system where a lot of people, over 50 per cent generally, and if we look at the Deputies' turnout, Sir, of the contested elections we had 39.2 per cent in 2002 and we had 33 per cent turnout for Deputies of the contested in 2005. So, the apathy party is a really big party on this Island and I would like the Deputy of Grouville, while she is not tasked with the overall reform, I would like her to tell us how we are going to dig into those figures and how we are going to make youngsters believe that we are really determined to deal with apathy and deal with the uncomfortable questions it brings forward.

3.1.16 Deputy J.A. Martin of St. Helier:

I will be brief because a lot of what I wanted to say has already been said by a few others, but I will follow on from the last speaker about apathy and what we are debating today. Deputy Labey - and it is a shame that Deputy Fox did have a prior engagement and I fully understand why he cannot be here and he is on défaut excusé - but they have done a very well-researched, been to all the schools and spoken to the young people who are 16. Now, I have heard some arguments for not bringing this in today, really, I do not even think a 16 year-old would find laughable. We have Senator Perchard, who does not want to give a vote to a 16 year-old because 18 years old is the age you can sit in this Assembly. Well, how many 18 year-olds have ever sat in this Assembly? How many have even stood? But, the choice is, us who are here today, and if any of them are listening, and I am sure they are, because I discuss it with my children. My children are younger than Senator Shenton's and his reason for not voting, Sir, is because his 2 daughters would not be bothered. Well, that is his 2 daughters. They may change their mind. The Deputy of Grouville and Deputy Fox and others who have engaged with young people of 16 have a good interest. I look up to the media box and I am sure they would even say the Youth Assembly is much more entertaining to sit through than, as Senator Shenton said yesterday, some of our debates we put ourselves through, and they have excellent views. They express themselves a lot better than I can do and a lot better than other Members of this House, and to say I am not sure which way Deputy Huet is going to vote because she made a mistake, and it was the National Insurance one, at 16, but she has had years and years and years, you can always change from one card to another card. We have banged on for years, I have, we need to get politics into our schools. We need to educate our younger people in our system. We now have a farsighted, I would say, Education Minister and Assistant Minister and I always used to bang on about it when I was on the Committee of Education, teach them young, get them interested. You will always have people who are not, but on the apathy vote what are you saying? People fought years and years ago to get women the vote, and then lowered it to the age of 18 from 21, it happened about 30 years ago in the U.K. but in Jersey it followed later. But are you saying, because of the apathy, 16 year-olds, well, you might only have 200 turn out in the Isle of Man. The people who do not vote in Jersey who are eligible over 18, why not take the vote away from them? Because what you are saying, you are not going to give the vote to 16 year-olds because they are not going to use it. Well, sorry, 16, 60, 70, 80, whatever, they do not use their vote, this is the argument I am hearing today. Why should people have a vote? Well, I have said more than I wanted to say. I am very glad we have from the Constables' benches - I do not know what the other Constables think - the Constable of St. Ouen said everything very well. He is engaging in his own Parish with youngsters. What message today? Yes, there are things they cannot do. They cannot drive. Well, you can still drive at 70, 75 and personally I do not think some people should be able to still drive at 70, 75. You can put any spin. I will

wait and at 75 I will probably by then, hopefully, you will get tested every 3 years like you do in many, many countries. But, I am getting off the subject, Sir. The arguments for not doing this have absolutely not been made. We have, as I say, the research from the schools and if anybody is listening today, and I presume they are, to this debate in the schools, 16 year-olds or coming up to 16, and we are trying to engage them, think of all of you that have stood up. In fact I am surprised that some of the people have stood up and said they will not support this. I will not name them. They know who they are. I thought they were broader-minded and more in tune, as they say, with the youngsters of the Island, and they have said: "No, no, no, we cannot possibly give it to 16 year-olds" and then we hear: "Well, if we give it to 16 year-olds it might be 13 year-olds next week." Now, as I say the arguments to me are just going on and on and being silly. The message we are giving is if we do not support this we really do think that our youngsters, who we boast about our fantastic education system, far better than any postcode lottery in the U.K., but not intelligent enough to make a decision whether they can vote. I do disagree with the Deputy of St. John, there will be a percentage that will be dying to vote at 16 and they might even influence their parents who do not vote, who do not know, as this 40 year-old, do not know how to do it. They find it frightening. So we need the young people educated and to engage them is the only way. To walk in that first time, and I was 18 when I did it and they had just lowered the voting age in the U.K., and it was probably 30 years ago, so you can obviously know that I am not one of the youngest in the House, but I do listen and I do respect, Sir, that many young people out there have some excellent views and they want to be engaged and they do not want to listen to a lot of what they hear. I mean as the Deputy of St. John says, a 16 year-old, thinks you are past your sell-by date at 25. What they think of us going on about we know best. Yes, we know best, you cannot vote until you are 18. If you are mature enough to do a lot of the things that they are allowed to do and we are educating them well enough in the political system we want them to be able to engage and once they vote that first year, like myself, I have never missed, even when I first came to Jersey I found out what the system was and I voted and I have always voted because people gave me the right to do it. I will not deny 16 year-olds that same right. Thank you, Sir.

3.1.17 Deputy S. Pitman of St. Helier:

In considering which way we will vote on any issue the first question that we as States' Members surely always ask ourselves is what are the positives and negatives of my voting for this proposal. In this instance the truth of the matter surely is that here there can be only positives. At least if it is genuinely our intention to follow through the much-trumpeted desire to engage our young people in taking an interest in the wider community and local politics. Senator Shenton spoke that there would not be a groundswell of 16 year-olds voting if this proposition was voted for. If we only achieve 10 per cent or even 5 per cent initially making use of their newfound franchise then so what? That number would be a truly positive start in making progress to a more evolved, aware society for our future. He also spoke of what the government trust or do not trust in our young people. The laws he spoke of are what we have placed upon them. Young people have had no say in this so his arguments are flawed. As someone who has worked with young people and in doing so I helped to organise a political question time for young people a few years ago, States' Members who attended that event will know that the young people that were there were vociferous, courageous and informed on political issues. These young people knew more about real life and political issues than many adults and some Members in this House. Sir, I have worked with hundreds of young people. It does not matter if they do not know who the Chief Minister is. They know about real life and how government policies affect them, their families and their friends. Some Members have also said that young people are not bothered or informed. Sir, those Members will find

that if young people feel like they are being listened to then these Members will be proven wrong. Any talk of Members' fears of young people having a negative impact on the serious business of electing government are, I would suggest, ill-informed misjudgments. Sir, if a 16 year-old can choose to hold a fulltime job and subsequently pay taxes, if they can choose to have a family and if they can choose to get married, surely they should be given the right to vote. 16 year-olds deserve to be given the responsibility of having a vote and with that, Sir, a voice. Thank you.

3.1.18 Deputy F.J. Hill of St. Martin:

I came here this morning completely open-minded and really wanted to be persuaded as to why I should vote for lowering the age, and I did not think I was really going to be persuaded maybe by some of the speeches this morning but maybe I can be persuaded by getting some of the answers from the Deputy of Grouville, because my concern has been, and I think Deputy le Hérisier touched on it, are we only going to add to the apathy party? As someone who prides himself on going round the Parish and, indeed, I know other States' Members do the same as I do, and work very hard at the door at election time and knowing you are speaking to about at least 50 per cent who are not going to vote, it is finding those 50 per cent who are going to vote and try to persuade them to come out. But, I just wonder are we really going to be adding to the apathy party by lowering the age? However, my concern is that we really need to see the evidence and it was quite clear on page 4, and indeed the Deputy of Grouville has mentioned it, that both she and Deputy Fox went out to the schools and had some discussions with them and we are seeing here that terrific numbers were very favourably supportive of the age of 16. Senator Norman touched on it earlier, maybe my phone has not been working, I do not know, but we have here one can see from these figures that young people are interested. Well, I just want to know where they are because maybe also the Deputy of Grouville could answer me later on when she sums up possibly that maybe because where I live the catchment area is Grainville and I see Grainville was not on the list. Was there any particular reason why Grainville was not visited? But certainly I have had a lot of people, I am pleased to hear from them, about GST. The message has gone out contact the States' Members, it is working well, but maybe the Deputy of Grouville could answer in her summing up did she by any chance, or did Deputy Fox encourage their pupils or students to go out and make contact with their States' Members to encourage them to support the age of 16? Because I have to say I have had no one contact me whatsoever, and I just wonder how many, because I think if I had received that, that may be more convincing for me to change the age to 16 than what it is, with all due respect, listening to some of my colleagues across the Chamber.

3.1.19 Deputy G.W.J. de Faye of St. Helier:

I have heard a number of references this morning to the Deputy of Grouville and Deputy Fox going out to visit students in schools as though this is some sort of remarkable event. I would point out to the Members that they are both Assistant Ministers of Education, Sport and Culture and that is what they are supposed to do, and they are not the only Members who go out and visit schools. I myself was entertained at Les Quennevais School recently taking part in a Scrutiny exercise. So, I am not going to stand here and tell Members that our schoolchildren are not intelligent, they are. I am not going to stand here and tell you that because their bodies are so swathed in hormonal rush they cannot make decisions, because they can. But, what I am going to say, and it is quite a surprise in some respects because I have now heard a number of Members who I know are parents of teenage children, and I have heard from a number of Members who I know worked in the teaching and youth professions and have had an enormous amount of contact with young people, I have heard them speak about empowerment and engaging but they just seem to have missed one very basic point that

I, as a non-parent, have observed on regular occasions. If you want a teenager, particularly at the ages we are talking about at 16 and 17 to take a very serious interest in something, in this case voting, tell them that they cannot do it. That has the most remarkable effect on young people in terms of engaging their interest. I am very pleased to see that there is now work on the curriculum to encourage interest in citizenship but that has yet to filter through. I have to say that while I am sympathetic to the Deputy of Grouville's well-intentioned proposition I think we have taken perhaps a year's step too far. I might have perhaps been persuaded to go to the age of 17 but I cannot feel myself being persuaded to take the big leap to the age of 16. What we have heard is that there are various ages applied to various activities; 18 for smoking and going to pubs; 17 for driving cars and so on and so forth. I have to say that my view at this stage, having listened to all the speeches, is that at such a time when the citizen curriculum shows such impact, at such a time when I am getting lobbied and pressured by young 16 year-olds and 17 year-olds who say to me that they want to vote, at such a time when school students are taking an initiative, then I might be able to address this matter again. But right now with, as now many Members have suggested with the flat, dull sound of no real interest from young people at all, I have to say that the only approach that seems sensible to me at this stage is the one tactic that does work with teenagers. No, you may not vote.

3.1.20 Deputy P.N. Troy of St. Brelade:

I hope that some Members will look differently at this and will support this. Certainly if I give an example of my own daughter as a case who was looking forward to voting, she became 19 this year in April and she has not yet voted. She gained the right to vote at 18 and she will not vote until she is 20 when we have our next elections and she is in that cycle where she has gained the right to vote but she is not going to get to vote until she is 20 because of the electoral cycle that we are in. If this had been approved several years ago and she had gained the right to vote at 16 she would then have voted in the last elections aged 17 and a half, so I think some Members are looking at this purely from the end of the scale that we are giving 16 year-olds the right to vote, but what would happen is those who are getting to vote at 19 or 20 they would under normal circumstances get to vote at an earlier age because of the electoral cycle that we are in with our 3-year elections or 6-year elections. I think for my daughter it would have been great to have voted at 17 and a half as she would have certainly been able to and had the interest in politics to vote at that age, but she was denied that opportunity because the entry level denies it through the system. So, I will be supporting this because it will bring the whole thing forward for others, dependant on your birth date really, it will assist many, and I do not think many who are just going to be 16 and one month or 16 and 2 months, there will not be many who will be affected but there will be a lot more who would be 17 or 17 and a half, coming up to 18, who would not be on the voting system at that time. So, I am supporting this today.

The Deputy Bailiff:

Does any Member wish to speak?

3.1.21 Senator P.F. Routier:

I think what we need to think about is whether the young adults at 16 have the ability to make a choice, and I have reflected back to our previous laws which did not allow people with learning disabilities to vote. I campaigned to get that law changed. People with learning disabilities perhaps may not have the skills as much as people of age 16 and they have the right to vote and I believe that is appropriate. They are part of the community, they do need to have services which they require and they make their voices heard, and it is important that they were given that right to vote on issues which related to them. So, I believe that a 16 year-old could and should have that right to vote as much as anybody else within our

community. I think some Members are worried there is a danger, the sky is going to fall in, we are going to get ourselves into a position where people are making decisions which we do not like, they are going to make wrong choices, but we need to have a reflection of our whole community, not just the selected bunch we want, the ones we think are going to give us the right answer. Even Gordon Brown in his announcements yesterday made an announcement that he is going to look at 16 year-olds voting. It is not something that is totally off the wall, this decision, it is something which I believe is very reasonable. I just want to pick up on one thing which a couple of Members mentioned in their speeches. It is a social security matter about pensions not being available to women in their own right. I feel it needs to be said that women can rely on their husband's contributions to get a pension. We also changed the law in 2001 that women have a benefit in their own right. I think that the emphasis that was put on the earlier comments was not quite right. The only issues that come around is when perhaps there has been a separation or things like that when things do not work out as well as people were anticipating. I just wanted to put that right. But back to the main point at issue, I believe giving the vote to children, not children, young adults at 16 is an appropriate thing to do.

3.1.22 Deputy J.G. Reed of St. Ouen:

I admire the Deputy of Grouville for bringing this proposition. However, I think it is systematic of the exact approach that this States Assembly seems to take on a number matters and is a very piecemeal attempt at trying to address much bigger issues which we choose to ignore. The report highlights a number of these issues and I would like to quote from a number of parts of this report. It says here: "The most cursory consideration of the workings of democracy, both in Jersey and in the United Kingdom, reveals a very worrying outlook. Plunging voter turnout, public disengagement from broad political debate with meaningful engagement only occurring on single-issue campaigns. A political apparatus that has largely fallen into utter contempt in the eyes of many people and in commonly expressed feelings of irrelevance and powerlessness which alienate the public from the apparatus of democracy." And what are we going to do about it? We are going to lower the age and introduce another young group of people into that system. It goes on to say: "Is it not tragic that a liberty so hard won as is the right to vote, the right to decide who governs us, should be seen by so many people as both ineffectual and irrelevant?" What are we doing? Oh, we will lower the age. We will remove, reduce that target, reduce that point at which everyone is focused on. What else are we doing? Every other debate that we have, and I have sat here and listened to it time and time again, it has been absolutely silent this time around and it is: "Well, let us look at everybody else. What are they doing?" We are behind them. We should be following them. Apart from the Isle of Man everybody else has kept the voting age at 18. What they have done is introduced electoral reforms and improved their systems of government, they have allowed registration for 16 year-olds so that they are there ready and waiting literally on that day that they can cast their vote to get out there and affect the government that they are entitled to vote for. We say: "Oh, well, lower the vote, lower the age to 16 or 17 because we have our young people going away to university." And by the way, they are a very educated lot. Well, if they are very educated 2 things happen. One they know about voting and they also can read what the options are to vote. Whether they are here or not it is my understanding that you can vote by a postal vote so it does not bar anybody just because they happen to be off-Island at university for 33 weeks of the year. It is not all the time, I hasten to add, it is not for the whole year because they do come back. They visit their parents, they come back to work usually to gain money. No, we lower the age. So, we engage the 16 year-olds, 17 year-olds and then wave them goodbye and: "Oh, now how do we manage? Oh, it is all right, we have another group." Sorry, this is not the way forward. It says here, it speaks

about the experiences that the Assistant Ministers have found at school and this highlights the problem, and this is the responsibility for all of us including education. It says quite clearly here: “One can see from these figures that young people are interested in engaging with the electoral process when given encouragement and their views listened to. But there is no escaping the serious challenge we face. It is clear that the States has failed to reach out to young people and each generation has less and less knowledge about our particular system of government.” Well, well done Education and, in fact, well done States’ Members for not getting that message out, for not being clear about who we are, what we are responsible for, and the importance of taking part in the electoral process and election of States’ Members. But, it highlights another issue, that in the same way that these young people were interested and engaged in government issues and electoral process, was that (1) they were encouraged and (2) they were listened to. What is a clear claim that we hear over and over again is that this Assembly chooses to ignore the views of the public. I am not saying that all the time that is correct but if we are going to make any movement at all and improvements to our current system, as much as we need to listen to the young people we need to listen to the adults as well. The Isle of Man, we are very selective again when we speak about the Isle of Man and their examples and instances. I happened to listen to a gentleman, I think it was the Government Minister that produced the amendment to an overall government reform in the Isle of Man to lower the age to 16 and that was it, that was the key. That is what he said and highlighted, that it was only one part, one small part of a government reform and a process which was being changed and aimed at engaging the overall electorate to become greater involved. So, am I going to support this? No. Should we be addressing the issues to do with electoral turnout and voter participation? Absolutely. Who is going to do it? Well, I think it is the responsibility of all of us but I look to Privileges and Procedures obviously in part to address this particular point. It is the responsibility of the Assistant Ministers and Minister of Education. Yes, carry on with the good work that you have stated, because obviously the work up to now has not worked because the kids have no idea, and it is clearly said in this report. I am not making it up, I am just repeating what is in this report. Let us get our act together and then and only then, when we have a system where people do want to get out and vote, then let us empower these youngsters.

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

I am not going to say very much but I sense that the balance is quite narrow in this debate and therefore it is important that I indicate to Members how I am going to vote. There have been some fairly extraordinary statements made in this debate, not least the phrase “hormonal rush” from Deputy de Faye. I do not know quite what he meant by that. Whether he feels that young people are able to enjoy something that he sadly no longer is able to experience [Laughter] but whatever the case I taught at a secondary level for about a decade and relatively recently hung up my mortar board and moved away from what had turned from a blackboard into a whiteboard during my time as a teacher. I think that young people are very different, with all due respect to Deputy Huet and her own experiences as a young married person, without casting any suggestions about the age gap that has taken place since the time she alludes to. I think young people have changed and certainly in my relatively recent experience of teaching there are a number of 16 year-olds who will benefit from the ability to vote. I do not say that they are all going to vote any more than all 18 year-olds vote at the moment, but there are a number of 16 year-olds who will really make use of this ability. My own view, and it may sound a bit extreme, is that if there is one person in Jersey who experiences the right to vote because of the decision we take today then I believe it will have been worth making that decision. Who knows, perhaps that young person will go on to become a States’ Member because they have such an interest in local politics. This is not a

prescriptive step, we are not saying that everybody has to vote when they are 16, I am sure not even the most eager Deputies, as they go round their districts with their forms, are going to try and press every 16 year-old to their particular ballot box. But I believe it will allow some. It is a permissive measure. It allows those who want to vote at 16 the ability to do so, and I urge Members to support it.

3.1.24 Deputy I.J. Gorst of St. Clement:

I am delighted to follow my good friend the Deputy of St. Ouen but I am afraid I could not disagree with him more and I feel that he totally missed the point in regard to this proposition. This I believe is an opportunity. It is an opportunity for this Chamber and the representatives of this Island to extend the franchise to 16 and 17 year-olds. It is an opportunity for us to stop complaining about the youth and the youth behaviour and attitude within society at large and to do something about re-engaging them with not only our political process but also civil society at large. Unlike the proposer of this proposition I came to this issue some months ago opposed to lowering the age to vote to 16. It was only after a conversation I had with the Deputy Head of Le Rocquier when he challenged me on this particular issue and I, I am sad to recall now, trotted out a number of the arguments that I have heard trotted out here today in rather what my wife would call a pompous way. Difficult to believe, Sir, I know **[Laughter]** but when you have lived with me as long as she has possibly it is not. I believe that the Deputy of Grouville has made a very clear, concise and overwhelming case in her report. It is not going to be the panacea to all our ills and political disenchantment but it will address one particular area. I want just to talk a little bit about my experience on one of those school visits. As the Deputy of Grouville explained earlier both she and Deputy Fox attended all these schools. I had the pleasure of attending only one and my role was to ensure that they did not go for each others' throats. It was extremely interesting to see the engagement that those young people have, or wish to have, in the political process. We have heard that there is no enthusiasm for this change. We have heard that we might potentially just be encouraging the apathy party. We have heard that young people are not interested in politics. I do not believe that the reality bears out those statements. Politics is after all about the ordering and how we order our society. Those young people were interested and are interested in issues such as safe routes to school. They are interested in school buses and their capacity. They are, of course, interested in educational opportunities. They are interested in skills and skills opportunities and obviously the new Skills Executive, but I think one interesting fact bears, if you will just allow me to relay what happened that day. We had an assembly, we had the debate and the discussion, and Le Rocquier, rather than having a show of hands they went off and they have an electronic system which they can use for voting on issues which are occurring in the life of the school and they did use this electronic system on that day. We see the results outlined in the Deputy's report 87 per cent of those year 11 students voted in favour of the reduction and 13 per cent voted against. But interestingly they did not have to vote there and then. They were allowed to leave the assembly and vote only if they wished to vote later in the day. There was no punishment for not voting, there was no marks against them for not voting, there was no stars for voting or whatever reward system they might have wished to use. They were entirely allowed to vote or not of their own will. How many people turned out to vote that day? Well, 70 per cent, which I admit the Deputy Headmaster was a little bit disappointed with but I think that in a very small way shows their enthusiasm and commitment to this issue to understanding and becoming involved and engaged in the political process. I would therefore urge Members to take hold of this opportunity. I see the Deputy of St. Ouen shaking his head. It is not, as I said earlier, a panacea to all our ills. We are in a season of looking at political reform and this is part of what we need to look at and therefore I again urge Members to support the Deputy's proposition.

3.1.25 Deputy J.A.N. Le Fondré:

For once I am in complete disagreement with my friend and colleague on the right, Deputy Gorst. I came to this matter relatively neutral initially, I have to say, and I have listened with great interest to a lot of the arguments and I again congratulate the Deputy of Grouville on her speech, which I thought was very good. My reservations are it is not, no, never; but should it be now? We have talked about engaging youth and one of the problems, for example, is that when 18 year-olds, maybe this is a sweeping statement, but when they tend to leave the Island, for example, to go to university they miss the right to vote and therefore are not involved in the system at an early age and this then has knock-on effects later in life. Surely that will be partially addressed by moving the date of elections from when they have gone away to university back to some time early in the summer. This then fits in with citizenship classes, the principle of which I completely endorse, and which are all part of - and I do not like the phrase - but the growing-up process that has been used elsewhere, and which could then culminate during sixth form of exercising the right to vote. A quick look on the internet indicated to me that most countries in the world have a voting age of at least 18, and it is somewhere between 140 and 170 depending on legislatures and how you count them. It is my understanding that it is only Brazil, Cuba and Nicaragua that have had voting at 16 for any period of time. As we have heard last year the Isle of Man introduced voting at 16. You may be interested to know that that wonderful democracy known as Iran increased the voting age from 15 to 18 I believe it is this year, and on Monday of this week Austria implemented voting at 16. To me that means we are entering a world of active experimentation. Ordinarily I am not against innovative thinking but I do have reservations about this at this time. I do like the idea of some form of automatic registration that has been mentioned, as suggested I believe by the Deputy of St. John, and equally I welcome and congratulate the Connétable of St. Ouen on his ideas, but I am very concerned that while there may be a change in the way of the world it is presently fairly limited and I would like to see the results in those, I will use the word brave countries that are making the decision before I commit this Island down that road. Accordingly at the moment I will support the status quo on the voting age and for that reason I will not be supporting the proposition.

3.1.26 Deputy G.C.L. Baudains:

When I listened earlier to the Constable of St. Ouen I thought he made a very good case for raising the voting age to 40 or 50 but it is certainly not clear to me, Sir, where the clamour for this proposition is coming from. We have heard from Senator Le Main and others that the children themselves do not particularly want the vote at 16. I believe the Deputy of Trinity endorsed that matter as well. I do not believe, Sir, that reducing the age to 16 is going to bring extra people to the polling booths. There may be perhaps a small percentage but then, as Senator Norman adequately pointed out, that small percentage will lower the voting turnout percentage as a whole, which is something we are trying to turn around. It is achieving the opposite of what we want and, Sir, I think it is pretty much accepted that the younger people have, in general, little interest in politics anyway. Certainly at that age few will have been exposed to the workplace and views of older people and life generally. Many will still be at school meaning - and it does concern me - how much will their votes reflect what their teachers have told them? What has been going on in the school? Children of that age may know the latest fashion or the very latest music but what do they know about politics? I really cannot see how such a scenario could improve the quality of voting which is surely what should be in the foremost of our minds. Quantity is not important, quality is. As I said, Sir, it may, although I doubt it, increase voter turnout but I am not sure that the people are at that age sufficiently well-informed. We have seen, Sir, at mock debates that children have had that there does not seem to be the level of understanding, certainly there is no lack of

intelligence, but there is a lack of information and I do not believe that children of that age have the necessary understanding to make what are very serious choices. I do not think many people, Sir, would consider that 16 would be an appropriate age for a Chief Minister, yet it does seem slightly bizarre that people of the same age could make substantial choices in that direction. I think the situation as fairly fully addressed by Senator Shenton is also an interesting one, because surely there is a degree of hypocrisy here. The Assembly deems it correct that people of this age are minors, too immature to buy alcohol and I think the same age for smoking cigarettes, cannot marry except with consent, cannot drive a car. It makes one wonder, Sir, if such people would be voting by parental consent. I can just imagine: “Dad, can you drop me down at the polling station?” “Who are you voting for, son?” Really, the proposition, Sir, is extremely well-intentioned but I believe wholly misguided. It has been suggested by some that voting at 16 will make our youngsters more responsible. I see no evidence for that and I really cannot connect the 2. I do not see how the 2 go together. I do have to say, Sir, that I found Senator Vibert’s contribution particularly disappointing. The theme he used seemed to be that age does not matter. Maturity does not come into it. Well, in that case, Sir, as I believe Senator Norman said, why do we not have the voting age at 14 or 10. Why can you not vote at birth if maturity does not come into it? Really, some of the arguments put forward do not make the slightest sense. It certainly does not add value to the voting process. I wonder why we cannot allow our youngsters to enjoy childhood before we start putting the burden of responsibility on to them in every single direction. It seems to me, Sir, that childhood is getting shorter and shorter these days with more and more responsibility coming at an earlier and earlier age. I can just imagine a situation, Sir, where there is a teacher leading a troop of school children out of class one day down to the polling booth to do their duty. Really I do not find this acceptable at all, Sir. As I said, it is a very well-intentioned proposition but not one I can support.

3.1.27 The Connétable of St. Peter:

The mention of engagement with the younger generation has been raised by a number of speakers, and who could argue with that? Certainly engagement with the people that will be tomorrow’s adults and responsible adults, parents and the like, most certainly should be encouraged at every opportunity. I would remind this House that it is only in very recent times that our educational system have taken it upon themselves to put out a greater engagement. Quite honestly until very recently there was very little in the way of this type of positive engagement and I think even on their own admission they would probably accept that it is in the very early stages and early days of that greater engagement. But I think their lead has probably been taken up by a number of different parts of the Island and notably certainly many parishes are attempting to engage a greater dialogue with the younger people and that has to be applauded. But I think there are some wider issues and some very important ones which have to also be considered. The effect upon the electoral and franchise systems, because I believe that that has not been thought through at all. Consider the position where parishes have to set rates, be it for their own purpose or for the all-Island rate. Now, if a person at 16 years of age has an entitlement to be placed on the Electoral Register surely it should follow that that person has full entitlement then to go and attend a Parish Assembly, wherever it is taking place in the Island, and vote. Very few 16 year-olds indeed would ever be paying rates Island-wide or in their respective parishes. The consequential effect of that is quite considerable because, I know it is possibly a hypothetical situation, but you could have some parent that is very annoyed at maybe the rating in particular of its own Parish or parishes and they could engage quite a number of 16 year-olds in a group and have the overriding effect on the rate that that Parish is obligated to financially. I do not believe that that has even been thought of or considered at all and I think I repeat my opening remarks, I

am all for the engagement of younger people, every encouragement should be given. This is a little premature at this stage. But certainly everyone should go away from this particular Assembly minded very much that there should be a greater groundswell from within it and indeed from outside to pursue the greater interest in the long-term future and good future of this Island.

3.1.28 Deputy J. Gallichan of St. Mary:

I will be very brief. This proposition is black and white. A change from 18 to 16. Other speakers have introduced other ideas, for example the change of the election date, et cetera, that is not on the agenda here. Some people have questioned are our 16 year-olds intelligent, bright, committed enough to take part. Well, for me that is not an issue. I have seen them at work, I have participated in the citizenship programme, our kids are interested and they are becoming engaged. Personally my daughter is politically aware, she is engaged, you would expect it, we talk a lot. She has an opinion on absolutely everything. She will be 11 on her next birthday. My point is, where is the evidence that the age we have at present is not the correct age? Or, specifically, where is the evidence that 16 is the correct age? And where, as others have said, is the clamour for this change. Whatever age we set the voting age at there will always be those who think they need to vote before that. Being engaged does not necessarily mean you have to have the vote yet. It is only one element of participating in democracy. We have been trying to explain to youngsters that they can question their States' Members, there is no age limit on that. They can, if they want to, contact their Scrutiny members, there is no age limit on that. We listen. We have a duty to listen. We engage by listening to everybody. The vote is not the only way to participate in democracy.

3.1.29 Deputy D.W. Mezbourian of St. Lawrence:

I too will be brief and, as other Members have said, I have not been lobbied at all on this issue so I am going to speak from a purely personal perspective. At 16 I wanted to vote and you may wonder why at 16 I wanted to vote. Because at home we discussed local politics. We sat around the table and we talked about what was going on in the Island. Because I was interested in the Island of my birth and interested in how decisions made in this House would affect me I knew that by voting I would be able to influence the choice of those people who became the decision makers. Not having the vote at 16, fortunately at 17 I still wanted to vote and I was looking forward to my 18th birthday when I would be able to have my say. As I am now, myself, one of the decision makers I will therefore be supporting this proposition today. How can we, in all conscience, choose to not enfranchise those 16 and 17 year-olds who, as I did at their age, want to contribute to and be a part of the democratic process of this Island? Some of them are, as I was then, future Members of this House. Sir, succession planning starts today.

3.1.30 Senator F.E. Cohen:

I will be very brief. Deputy Le Claire told us earlier today that he had joined the Marines at the age of 16. I think there is at least one other Member of this House who made a similar choice. This decision at the age of 16 could ultimately lead to one laying one's life down for one's country. That is all the practical evidence I need to convince me that if such a pivotal decision can be made at the age of 16...

The Deputy of St. Peter:

I am not too sure if the Senator was here when I made a quick comment about joining the Forces at 16. You cannot go into operational theatre until you are 18. You can join under training as an apprentice but you cannot go into full operational fighting for your country until after the age of 18.

Senator F.E. Cohen:

The decision at 16, I made clear, ultimately led to Deputy Le Claire being in a position where he could have laid his life down for his country. The decision at 16 was to join the Forces which he continued at the age of 18. To repeat, that is all the practical evidence I need to convince me that if such a pivotal decision can be made at 16 so should a 16 year-old be able to vote. I commend the Deputy of Grouville for bringing this proposition forward and I will be voting in favour.

3.1.31 Senator P.F.C. Ozouf:

Very briefly, Sir. For 6 years I was the youngest Member of the States. I have been pipped to the post by a youthful Deputy Pitman, now being the second youngest person in the States but I have always felt a special responsibility for young people. Over the last few months I have continued to visit schools. I went to a Victoria College politics class with 16 and 17 year-olds a few weeks ago, and was seriously impressed by the level of knowledge and engagement and a couple of people have made some fairly condescending speeches about our young people and their ability to be told about what they can be told and what to think. These young boys at Victoria College very well knew what was going on in politics and would make very well-informed decisions. I went to Hautlieu a couple of weeks ago and was really impressed by the maturity of our young people. Sixteen is a turning point in people's lives. Life is stretching, we are living longer but we are also becoming older, younger. Sixteen is the age at which you can choose to marry. You make a number of personal decisions or legally you make a number of personal decisions at 16. You can work and you can pay tax. I have a guiding principle that with rights come responsibilities. We are asking our young people to take more responsibility in their lives for their education and those responsibilities now start at 16. I will be strongly urging Members to vote in favour of 16 and I commend the Deputy of Grouville's proposition to the Assembly.

The Deputy Bailiff:

If no other Member wishes to speak I call upon the Deputy of Grouville to reply.

3.1.32 The Deputy of Grouville:

I would firstly like to thank everybody who contributed to this debate. Those people that spoke against this proposition I have to say I cannot help but feel they were clutching at straws to look for everything negative in this proposition. I did not hear many of them try and address the good and the positive things that can come about from engaging our young people. Senator Shenton and others made the point: "Well, you can drive a car, ride a motorbike, smoke and drink." Well, these pursuits are potentially harmful and negative activities so why should they be compared to something which is positive, and I do not believe you can die from voting. The inconsistency of ages, x-rated films, Senator Shenton used that. You cannot watch x-rated films at 16 but you can get married and have children. Well, how ridiculous is that? If he feels so strongly about this argument why is he not doing something about it? Why does he not bring a proposition forward? Likewise with everybody else that feels **[Interruption]** we have an inconsistent system. Do something about it. This is a positive thing that I am trying to bring forward here. Quite a few Members; Deputy of Trinity, Deputy of St. Peter, Senator Shenton again, Senator Norman, complained that their doors had not been broken down with people asking for the vote. Well, I am not surprised we have apathy in our Island, to answer Deputy Le Hérissier. If our politicians are sitting there waiting for their doors to be broken down about these issues, and they have not been, does that not say more about them than our young people? We have introduced a citizenship programme. It starts in earnest in September 2007, but it has started already and many Members, I know, not just Education, have been asked and invited into schools to speak to

students about different roles that they play. Deputy Fox and I went into all the schools that invited us. I made the offer to all of them, to answer the Deputy of St. Martin's point, I made the offer to all of them that we could come and speak to their students and we went into all of those who invited us in on that invitation. So if Grainville is not there then that is because they did not take up the invitation we offered. This is not, as Deputy Gorst said, a panacea for voter apathy and I think some of the arguments made, especially Senator Norman and others, who said: "Well, we cannot give 16 and 17 year-olds the vote because this is going to skew our numbers. It is going to increase to the voter apathy." Well, that is no reason not to franchise young people. There will be 2,000 young people, give or take, come into that would be franchise if this is passed. If 200 take up their right to vote then that is 200 engaged people. It is not a reason, because 1,800 do not take up the right, not to give them the right to vote. Some people made the point: "Well, you know, these young are not named and shamed in the paper if they commit crimes." They should be. They should be. I think with rights comes responsibilities, and I thank Senator Ozouf for highlighting that point. So a lot of these points I feel just dwelled on the negative and everything that we should be doing not to give them the vote. Not to give our young people a real voice in our society. We do not have a system like Australia where it is compulsory to vote. For those young people who do not know and do not want to engage in our democratic process then they do not have to, and I am afraid to say that is like many of their elders, but that is something we have to address and we have to reach out to people in many different ways and as far as these young go, going into schools, going to youth forums, the Deputy of Trinity asked if I had been into the youth clubs, yes I have. But for those that do want to become engaged and who want to influence and participate in the community in which they live then why should we deny them? What are we afraid of? That is a point that came over with one particular speaker, Deputy le Fondré. We are not following other countries and for those brave countries, brave enough to lower the voting age to 16, well, what are people afraid of? Brave enough to lower the age; I was quite astounded by that. I would like to thank the Constable of St. Ouen who, like me, I hope, is looking to the positive of this proposition not just the weak arguments of the negative. Participating in democracy is a good thing. It is positive, empowering, enabling and engaging. It is good. It is good if we can engage our young people in the community in which they live. It is a communal right hard won over the decades and to those of our young who want to play an active part in their community and their Island how can we refuse them? I think we should listen to what they say and involve them in whatever they have to offer. Sir, I make the proposition and I ask for the appel.

The Deputy of St. Martin:

Can I just ask the question? I did ask the Deputy of Grouville if she, with her and Deputy Fox, encouraged those students to contact their States' Members?

The Deputy of Grouville:

Not especially. We spoke about the proposition. This particular time we spoke, as I said in my opening speech, one of us spoke for the proposition, one against. We had question and answer session and then we took a vote. We did not give a list to all the students of who to contact and what to do. Perhaps it is up to politicians to play an active part in this.

The Deputy Bailiff:

The matter before the Assembly is for or against the proposition of the Deputy of Grouville and I invite Members to return to their seats and the Greffier will open the voting.

POUR: 25

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator F.E. Cohen

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Clement

Connétable of St. Helier

Connétable of Grouville

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren
(S)Deputy R.G. Le Hérisssier
(S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy P.J.D. Ryan (H)

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire
(H)Deputy D.W. Mezbourian
(L)

Deputy S. Pitman (H)

Deputy of St. John

CONTRE: 21

Senator L. Norman

Senator F.H. Walker

Senator T.J. Le Main

Senator B.E. Shenton

Senator J.L. Perchard

Connétable of St. Peter

Connétable of Trinity

Connétable of St. Lawrence

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy G.C.L. Baudains (C)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy of St. Peter

Deputy G.W.J. de Faye (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy K.C. Lewis (S)

ABSTAIN: 0

Deputy I.J. Gorst (C)

Deputy of St. Mary

4. Draft Distance Selling (Jersey) Law 200- (P.66/2007)

The Deputy Bailiff:

The next item of business is the Draft Distance Selling (Jersey) Law, Projet 66, lodged by the Minister for Economic Development. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Distance Selling (Jersey) Law; a law concerning the sale of goods and services by mail, internet and other means of communication over distance. The States, subject to the sanction of Her Most Excellent Majesty in Council have adopted the following law.

4.1 Senator P.F.C. Ozouf:

In 2001 the former Industries Committee commissioned work of how we could improve consumer protection in Jersey. A whole raft of recommendations were made including strengthening the consumer voice, improving consultation, introducing competition arrangement, anti-trust legislation, regulation of utilities, improved consumer safety laws and new supply of goods and services law and a new law to provide for protection minimum standards on distance selling. A lot has been done but there is still more to do. Two major pieces of legislation in the recommendations still remain to be completed. I am pleased to say that the new Goods and Services Law is now ready and is going to be consulted within the next few weeks. Today the Assembly is asked to deal with the other remaining piece of legislation that was recommended, that dealing with distance selling. This Law will create minimum level protection for consumers who purchase goods and services using a means of distance communication such as the internet or mail order. It will help also Jersey's international reputation as a place of being a well-regulated jurisdiction with an important online retailing sector from which consumers can be confident that they will be treated fairly. The need for distance selling legislation has been driven in recent years by the huge growth, of course, of the internet. There has been a meteoric growth of online retailing and Members will be aware of the importance of this sector in Jersey. I should say that a number of the online retailers that we do have in Jersey command very significant market shares in their markets in the United Kingdom, already do comply with the legislation that we are putting forward. This is, of course, to put in place minimum standards for any new entry. The law that Members are asked to approve reflects broadly the international standards that have been set in other places. In 2003 the former Economic Development Committee carried out consultation of the new proposed legislation which was being particularly targeted at the online retailing sector in Jersey. I can say that the vast majority of responses were in favour of the legislation and some of the more established businesses said that they already were in compliance with the standards that U.K. traders must already comply with. It was pointed out that it would create a level playing field if all Jersey internet traders were obliged to comply with distance selling legislation. The example of a means of distance communication that most readily springs to Members' minds will be the internet. But there are others; telephone sales, mail order from catalogues, newspapers, magazines and more recently goods offered via television shopping channels. The common aspect to all of these transactions is that there is no simultaneous physical presence of the parties involved. This type of buying allows consumers to view their goods at their leisure at a time of their choosing and in the comfort of their own homes. The law recognises that shopping at a distance has obvious disadvantages.

For example, what happens if the goods do not turn up, that they are not fit or there is a change of mind once the consumer has had an opportunity to examine the goods? To overcome these disadvantages allowances made for a short cancellation period for most goods and services. The law also ensures the buyers are given clear information about the identity of the seller, details of the order as well as protection against credit card fraud and demands for payment for unsolicited goods which I know Members will be concerned about. The law will apply to contracts concluded for the sale of most types of goods and services but there are some exceptions which are also replicated in other distance selling legislation in other jurisdictions. These exceptions include; any sale of the interest in the land, financial services - although financial services contracts which are associated with the purchase, which we will go on to in dealing with the Articles are covered - goods bought at auctions, goods bought from vending machines and goods bought using public pay phones. The law only applies when dealing with a trader who is organised to conclude contracts without a face contact with consumers. For example, a consumer seeing goods displayed in a shop window who later orders them from the shop by telephone are not covered as this would not be considered to be buying distance selling for the purposes of the law. Traders will be required to ensure that certain relevant information is provided to potential customers to enable them to make an informed choice about whether to purchase the good or service on offer. The Distance Selling Law will give the consumer the right to change his or her mind for any reason and cancel an order within 7 working days. This is a major statutory provision which does not exist in contracts concluded by face to face dealing with traders. If a consumer does decide to cancel this must be put in writing either by letter, fax or email. A telephone call is not an acceptable means to communicate a cancellation unless this was previously agreed, however this right must be exercised within 7 working days after the day in which the goods were received. Another important protection measure is that a trader should supply goods within 30 days from when a consumer places an order. If this does not happen then a consumer has an automatic right to be reimbursed. The law is also fair to the trader as there are some exceptions to the right to cancel distance contracts. For example, goods made to personal requirements or specifications, goods that deteriorate quickly such as fresh flowers or food, and also deals importantly with the sealing of audio or video recordings which cannot be returned if the seal has been broken, and the simple reason for that is obviously you can order a DVD or a computer programme, simply copy it and then send it back, so the important principle which is replicated in other places is that if the seal is not broken you can return the goods. In other words, you have not used it. Some Members will recall back in 2004 there was, in fact, a DVD/CD retailer, I am not going to name them, but it was well publicised at the time, that did go into liquidation and there were approximately 22,000 U.K. consumers that were disadvantaged. Our Trading Standards Officer has identified poor practices used by this company some months before but had no legislation in place to deal with the issue. Had this legislation been in place at the time it is likely that action could have been taken to prevent at least some of the poor trading practices that happened in that sad case. Just to conclude, I will say just a few remarks about what is proposed in terms of enforcement. The distance selling law has, for the first time in Jersey consumer protection legislation induced an enforcement framework that does not use the criminal courts as the ultimate sanction against non-compliant traders. Instead it follows a growing trend seen in other jurisdiction to use an injunctive action through the civil court process as a last resort. In practice, trading standards officers will work with traders to enable them to achieve compliance and only then, when this process has been exhausted, will it be reported to the Attorney General for possible injunctive action through the Royal Court. Sir, I am happy to answer any questions on the principles of the bill but I move the preamble.

The Deputy Bailiff:

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

Deputy P.F.C. Le Claire:

Before we begin I would like to declare an interest in that I do sell D.V.D.s and C.D.s but it is a small self-interest of my own repertoires, et cetera, Sir, so I will continue to be in the debate to support the Bill. But I thought it was right to declare that interest as required by Standing Orders, Sir.

Senator P.F.C. Ozouf:

I do not think the Deputy does it online though, I think he does it physically so he is not probably covered.

Deputy P.F.C. Le Claire:

No, I do do it online, Sir.

4.1.1 Deputy S.C. Ferguson of St. Brelade:

This law, as I read it and as I understand it, applies to Jersey suppliers who are providing goods, services and so on, to people abroad, but I am a little confused as to how the Minister thinks this law will enable him to protect people such as myself who buy on the internet, and I buy from, sort of, far flung corners of the earth. If my goods do not come I see nothing in this that will protect me. Perhaps he would like to explain a little further how he expects to protect the locals.

4.1.2 Deputy G.C.L. Baudains:

In an exceedingly similar vein, Sir, it did occur to me that this is mainly concerned with the transactions between the Island and elsewhere; there will be internal, but that will be a smaller number. It does seem to me that this will be consumer protection for those people buying from Jersey but not people in Jersey buying from elsewhere. Could he sum up in his clarification?

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

Could the Minister confirm that there has been consultation, particularly with the fulfilment industry over this? And that whether this forms part of any negotiations with the Postmaster General in the U.K. who has a regard on the fulfilment industry in the Island?

4.1.4 Deputy R.G. Le Hérissier:

Slightly off the point, but would the Minister not agree that his department is speaking possibly out of both sides of its mouth? On the one hand, Sir, distance selling is suffering enormously in that the individual seller is being punitively affected by the massive increase in parcel rates and that really we are only looking at the big players. Would he not suggest that this may be a hammer to crack a nut given what has happened to those small sellers on eBay and so forth?

The Deputy Bailiff:

I fail to see how that relates to the principles.

4.1.5 Deputy C.J. Scott Warren:

I very much welcome this additional protection for the consumer. I have a similar question that has been asked. Several years ago I experienced a situation in which a European company actioned our credit card number for the amount of the order but failed over several

months to deliver the item. It took many months to resolve and in the end we did recover the money but I am obviously going to also ask would this law help in such a situation and if not will there be a further provision to that effect?

The Deputy Bailiff:

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

4.1.6 Senator P.F.C. Ozouf:

A number of important questions that deserve a good explanation. Deputy Ferguson and Deputy Baudains asked questions both related to the coverage of a transaction that might be made by an Islander in a transaction in another place. What this law is, let us be absolutely clear, is covering transactions which are concluded by Jersey-based companies. It is not covering consumers. We do not have, unfortunately, as much as we may have the wish to be extraterritorially in our passing of legislation, but I cannot ask this Assembly to pass legislation covering jurisdictions and if Deputy Ferguson is purchasing whatever she is purchasing in - I do not know which country she was mentioning - but if she is purchasing on the internet through distance selling means, goods or services, in jurisdictions that do not have comparable jurisdiction then I cannot offer her any protection. That is what we are trying to do, is we are putting in place the fair standard and the minimum standard of distance selling provisions that are applicable in other places. In most of the European Union there is a European Union directive which covers this so Deputy Ferguson can be confident if she was buying her goods or services from a European country she would be covered by at least these minimum standards that we have here but she would need to check if she was purchasing goods on the internet from a jurisdiction that did not have equivalent legislation. What we are doing here, and I have to say we should have done it, in my opinion, some years ago, is we are bringing our minimum standards up to those equivalent standards that have been put in place in the whole of the European Union, Australia, New Zealand and most of the OECD (Organisation for Economic Co-operation and Development) countries. I cannot really give her a solution to that apart from being watchful of the jurisdictions that she is purchasing from. And I think that answers, I hope, Deputy Baudains' question that this is dealing with transactions that are based here. It is important that we do that. It is important because of the size of our online retailing business and it is important for Jersey consumers who are buying in Jersey from online retailers. It is important that we do have those minimum protections in place. The Constable of St. Brelade asked about the linkage to do with the overall discussions that we are having with the U.K. on online retailing and asked particularly whether there is any linkage to do with the discussions with the Treasury. I have to say this is a completely separate issue. There is no linkage at all with any arrangement with the Treasury to do with online retailing at all. That does not form part of the negotiation. I have to say that the U.K., I think, would expect us, as having a number of million of U.K. consumers purchasing through well-regulated companies, I think they would expect us to have those minimum standards in place. They do not form part of any of the negotiation to do with the online retailing issue which I have to say is still unchanged as to where we were a few weeks ago, but we are still working on Guernsey, at least I hope the Treasury are working on Guernsey. The issue concerning consultation with the industry. The industry has been fully consulted. It was fully consulted in 2003. All of the good players are already effectively putting in place the provisions of that. All of those brand names which Members will be aware are already effectively putting these minimum standards in place. The reason why we need to put it in place is to ensure that trading standards have the ability to enforce those minimum standards for those companies, perhaps those smaller companies, that are not doing it. Obviously we have cleared out a lot of the online retailing but any companies that would not be putting in place these minimum standards would now be required to do it. But the industry as a whole is

very supportive of this and all of the leading players are. Deputy Le Hérissier said I could be speaking out of both sides of my mouth. I thought that was an expertise of his in the past and I did not understand it, but he does like to take the opportunity of asking me on every possible occasion about the issue of postal rates. I think, as you, Sir, have said, it does not have anything to do with this at all. We support online retailing. We support quality online retailing but we have done a lot to secure the Island's future in that and I see nothing adverse and I see no double standards or double speak in that regard. Deputy Scott Warren, I think I have answered partly her questions before. I am afraid I have not got a solution to protecting her credit card if she is transacting in other places. She would be protected for a credit card transaction in the same standard that we are going to be dealing with here in the U.K. because that is part of the EU (European Union) directive and it will cover transactions which are Jersey-based. It is not extraterritorial, these are Jersey transactions and Jersey businesses. So I hope that answers all the questions. Sir, I move the preamble.

The Deputy Bailiff:

All those in favour of adopting the principles of the Bill kindly show. Those against. The principles are adopted. Deputy Southern as Chairman of the relevant Panel, do you wish to have this referred to?

Deputy G.P. Southern (Chairman of the Economic Affairs Scrutiny Panel):

No, thank you, Sir.

The Deputy Bailiff:

How do you wish to proceed, Minister?

4.2 Senator P.F.C. Ozouf:

Thank goodness for that, Sir. Thank you. The Articles, if I may take Articles 1 to 7 and the Schedule and then I will explain them in blocks, if I may, Sir. Article 1 sets out a number of key definitions, obviously being consumers, suppliers, the actual means of distance communication of periods of performance and related credit agreements. Article 2 defines what a distance contract is. Articles 3 and 4 set out the complete or partial exemptions, the ones that I mentioned earlier, banking contracts, land transaction, auctions, supply of food and drinks and timeshare. Timeshare and tourism are particular problems. Most of other European countries are covered by a European directive on packaged holidays. I have to say we do not have that here and the whole world of travel and accommodation is changing. The law does carve out from it anything relating to airlines and hotels, and I think Members will understand why that is. If you are booking an airline ticket then you are booking that with the degree of certainty in the way that charges. You cannot effectively make a transaction to book an airline seat and then change your mind a week later because that, with the whole pricing model, would skew it. So this a standard provision that is a carve out from the overall provisions of distance selling. Article 6 requires the same information to be given in writing or other permanent form after the contract has been concluded. Article 7 limits, to some extent, the application of Article 6 where a service is performed only on one occasion, for example, by the internet or telephone billed to the consumer directly by the provider of the internet or telephone service. Sir, I will attempt to answer any questions on Articles 1 to 7 and the Schedule.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on Articles 1 to 7 or the Schedule?

4.2.1 The Connétable of St. Ouen:

Can I just ask a question? On the definitions under Interpretation, “working day” is that not what somewhat restrictive, Sir, in this day and age?

4.2.2 Deputy G.P. Southern:

The Minister has explained, I think, some problems of applying this particular rule to holidays and airline flights per se, could he tell us something about the other exemptions that are in the draft, and whether there is any intention or need to move into those areas at some time, and if so, when?

The Deputy Bailiff:

Does any other Member wish to speak? I call upon the Minister.

4.2.3 Senator P.F.C. Ozouf:

The Constable of St. Ouen asked about the business day. These are standard definitions which we are, I have to admit and explain, that we are replicating from the EU directives and those distance selling laws and they are - I am just trying to see the working day - effectively you do need to count out days such as Christmas Day, Bank Holidays when you are counting the numbers of days that you can have for the minimum, so it is an advantage of it. Saturday, it is a working day, it is in the consumer advantage to be counted. You are not counting the days for the cancellation of a contract, which we will be going on to. You do not want to be counting days where you cannot be working, for example, a Saturday or a Sunday, and this is to the benefit of the consumer not to the adverse. So to count Christmas Day or Saturday or Sunday would be to the consumer disadvantage rather than the former, so I hope that persuades him. In relation to exemptions, I think that I did explain in my remarks on the preamble some of the things that are also carved out. I will say that there is some more work to be done on the tourism. We are expecting a further EU directive on travel on package holiday issues because effectively the whole world of booking travel and accommodation is moving and there is consumer protection that is catching up in relation to that and we are watching with interest what the proposals from the European Commission would be on that, and I am happy to report to the panel if they are interested in doing it. I have not got anything in the immediate ED (Economic Development) runway on that but I will inform that. As to the other areas which are carved out, well, they are clearly, I think, set out in Article 3. It is anything to do with land, I think for all obvious reasons that land would be not something that you would normally deal with as far as distance selling and certainly it is a land transaction which would go through the Royal Court. Anything in relation to financial services, that is covered by other legislation. Anything that is, effectively, food and vegetables, it is clearly not possible to conduct to have distance selling transactions for some, dare I say, milk or food or fresh purchase and then effectively have the right to cancelling it after 7 days. So there is a reasonable set of exemptions there which, if the Deputy reads the list, I am sure that he will agree that. It also, of course, has the ability to the States to make further regulations to adding any other exemptions should we need to apply. So I hope that answers all the questions and move Articles 1 to 7 in the Schedule.

The Deputy Bailiff:

All those in favour of adopting Articles 1 to 7 and the Schedule kindly show. Those against. They are adopted.

4.3 Senator P.F.C. Ozouf:

May I take Articles 8 to 14 *en bloc*? Article 8 sets out how the consumer may cancel a distance contract and defines the scope of the right to do that. Article 9 deals with the supply of goods. Article 10, the supply of services and sets out the periods in which cancellation is

possible. Article 11 sets out certain exceptions to the right of cancellation, for example, the goods and services of such nature where it would be unreasonable to cancel. Article 12 prescribes what happens on the cancellation of any money paid including where the money has been paid by credit provider or security given. Article 13 deals with the cancellation of related credit agreements. Article 14, certain consequences that flow as far as the principle and interest under any credit agreement cancellation would flow. I move Articles 8 to 14.

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on any of Articles 8 to 14?

4.3.1 Deputy R.G. Le Hérissier:

It will not be about postal rates, you will be relieved to hear but I will be bearing that issue in mind. I will be working it in. Under Article 9, I wonder, Sir, if the Minister could inform us - I am a bit confused - is the cancellation period 7 days, is that meant to be the norm or is it... there seems to be a default clause under Article 6.4 where it is extended to 3 months. What is expected to be the norm, 3 months or 7 days?

The Deputy Bailiff:

Does any other Member wish to speak on these Articles? I call upon the Minister.

4.3.2 Senator P.F.C. Ozouf:

The minimum is 7 days. It is 30 in the event of the provider not having provided certain information when the actual transaction has been dealt with. Article 6 deals with all the information that you are to be provided when transacting. For example, if you go on the internet and you buy a DVD under Article 6 the provider must give you a whole series of information which is set out; the delivery, the identity of the supplier, the characteristics of the good, the delivery costs, all of the information. If that has not been delivered, if you, at the point of the transaction, if that has not been given then the 30 days kicks in and I am sure the Solicitor General will say if I have got that wrong. But that is my understanding of the construction of the Article. Seven days automatic, it is extended to 30 days in the event of information not having been given.

The Deputy Bailiff:

All those in favour of adopting Articles 8 to 14 kindly show? Those against? Those Articles are adopted.

4.4 Senator P.F.C. Ozouf:

If I might take Articles 15 to 18. Article 15 deals with if a consumer cancels a distance contract for the supply of goods the consumer must restore the goods to the supplier and take care of them until he or she has done that. Article 16 deals with the special consequence of cancellation, if the goods were accepted by a supplier in part exchange for goods supplied under a distance contract the consumer is entitled to have the goods back, alternatively to receive a sum reflecting their value. Article 17 deals with the time limits for the performance of a distance contract and what the duties of the suppliers are if performance does not occur. Article 18 deals with the related credit agreements if due performance does not occur and treating non-performance in much the same way as cancellation. Sir, I move Articles 15 to 18.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on any of those Articles?

4.4.2 Deputy R.G. Le Hérissier:

When you visit a Post Office [**Laugher**] you often find people with these big parcels for companies like Great Universal Stores and so forth, is it absolutely essential, even though sometimes the postage may exceed the value of the goods in the parcel, is it absolutely essential that the item has to be sent back?

The Deputy Bailiff:

Does any other Member wish to speak?

4.4.3 Senator P.F.C. Ozouf:

I do not understand how that may... I think Deputy Le Hérissier might be quite good at one of those Radio 4 programmes where he fills out the time period, there is a buzzer and his favoured specialised subject is post offices, it seems. It seems to me quite self-evident that if you cancel then you need to send the goods back. I mean, you cannot have your cake and eat it, so you cannot cancel the contract and not send them back. Of course, you will also have the construction of these arrangements are that the supplier will be able to deduct the cost of delivering those goods back, so I am not sure I can add anything. I hope that helps the Deputy and his post office difficulties. Articles 15 to 18.

The Deputy Bailiff:

All those in favour of adopting Articles 15 to 18 kindly show. Those against? They are adopted.

Senator P.F.C. Ozouf:

Shall I try my luck, Sir, and deal with 19 to 26 together?

The Deputy Bailiff:

I should think so.

4.5 Senator P.F.C. Ozouf:

Article 19 is a freestanding provision entitling a person to cancel a payment on his or her credit card, as Deputy Scott Warren raised earlier, if the payment was fraudulently made by another person in connection with a distance contract, but obviously only the transaction from a Jersey-based business. Article 20 sets out the basic rights in the case of an attempted inertia selling where a person sends unsolicited goods to a consumer and bans a business from invoking enforcement procedures if a consumer does not pay for unsolicited goods or services. Article 21 makes void certain attempts at excluding the operation of the law. Article 22 applies the draft financial contract even if despite a close link with Jersey or a member state of the European Union the contract purports to apply to the country that is not a member of the state of the European Union. Article 23, applications by the Attorney General for injunctions or other orders for the enforcement of the law. Article 24 allows the Chief Trading Standards Officer to publish certain information about the terms and operation of the draft law and to publicise the draft law in a more general sense. Article 25 allows the States to make regulations for any purpose of carrying the law into effect and changes to the Schedule 1 already approved. And Article 26 sets the appointed day provisions which will require this Assembly to bring up an Appointed Day Act. Sir, I move Articles 19 to 26.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on any of those Articles? All those in favour of adopting Articles 19 to 26 kindly show. Those against? The Articles are adopted. Do you propose the Bill in Third Reading?

4.6 Senator P.F.C. Ozouf:

Yes, please, Sir.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in third reading? The appel is called for in relation to the third reading. So I invite Members to return to their seats and the Greffier will open the voting.

POUR: 40

CONTRE: 0

ABSTAIN: 0

Senator L. Norman

Senator F.H. Walker

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator J.L. Perchard

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy G.C.L. Baudains

(C)

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren
(S)

Deputy R.G. Le Hérissier
(S)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Deputy P.V.F. Le Claire
(H)

Deputy D.W. Mezbourian
(L)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

LUNCH ADJOURNMENT PROPOSED

The Deputy Bailiff:

Is the adjournment proposed? Does the Assembly agree the adjournment? Adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS (Continued)

5. Electoral Registration: Link to Population Register (P.68/2007)

The Bailiff:

The next item of Public Business is Projet 68, Electoral Registration: link to Population Register and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to agree that eligibility to register to vote in public elections should no longer be linked to length of residence in Jersey but should be an automatic entitlement to every resident as soon as he or she is registered in the Population Register to be created under the Migration Policy as approved by the States.

5.1 Deputy G.P. Southern:

I hope today to revisit an item which Members will remember we did not conclude the last time I brought it, about 4 weeks ago, when the House decided to move on to the next item. It seems to me that some of the issues involving this proposition have already been, as it were, partially debated. But I do wish to bring back this proposition to the States and to see it resolved today, and to remind Members that the proposition contains 2 elements and I would like to hear from Members on each of those 2 elements. In effect, the wording of the proposition does 2 things. It transfers the responsibility for maintaining the accuracy of the Electoral Register to the Population Office, and I remind Members that the Population Office is tasked with producing a Population Register that is accurate and kept accurately, which is a record of all the residents on this Island. It seems to me because of that duty that we ought to make use of that in this case for electoral purposes. As a result of the accuracy that we should be getting from the Population Register, I believe we could also use that register to remove and liberalise our laws on registration for voting. Secondly, it says if you are registered on the Population Register it removes the need for 2 years' residence before becoming eligible to vote. The one possibility flows on from the first. If we have got a team dedicated to maintaining an accurate Population Register then we do not have to necessarily, although Members might tell me otherwise, wait 2 years to have people registered. Why I say that, it is contained in my report, and it seems fairly straightforward, whatever the form of a Population Register it is clear in the Migration Policy already passed by this House, it is clear for some time that the Population Register will require some form of registration document or card. It will contain the basic data such as name, address, registration status, that is entitled, licensed or registered along with a unique number that identifies you and possibly a photograph. That is exactly what is needed in order to vote. Up you turn with your card, it has got your address on it, you are in the right area, it has your name on it, your number and may well have your photograph. Members will also recognise that whatever the arguments about the timing of the production of the Population Register there is no date in this proposition, therefore whenever the Population Register comes into force, and we have a Population Register, then this will also come into force. So it is not a case of there may be problems producing a Population Register therefore we cannot accept this motion. In an ideal world I would hope that the Population Register will be produced in time for 2008 and therefore can be used, or may be used, at the next elections. But, if not, then that does not take away from the validity of the principle of having the Population Register, as it were, double as the election register. So let us not be worried about whether the Population Register can be done in time for 2008, this is not linked to a date. It will be when it is ready then the principle could be adopted today. What I did hear last time we started the debate, although we did not finish the debate on this topic, were some voices expressing concern that newcomers to the Island would not understand our system. So, for example, from the Privileges and Procedures Committee we have a statement that "the Committee is nevertheless concerned that new arrivals would know

very little about the political issues on the Island. Members will need to consider very carefully the implications of any proposal to allow new arrivals to vote without any qualifying period of residence before supporting this proposal". I suppose I can understand that there may be voices raised on that topic to suggest that newcomers to the Island will not understand. To my mind, that is an argument for simplifying our election process and not for not proceeding with what I propose here, which is doing away with the 2 year qualification period. Now this has been deferred, as I say, for some 4 weeks during which we have received a fresh document from the P.P.C. (Privileges and Procedures Committee) which says very clearly that they are not taking a particular position on this proposal and that it is a political decision for Members to decide whether to support this motion or not, but indicates the practice of jurisdictions. One thing that comes out of that is the requirement of some form of citizenship in many places. Certainly in many places larger than us. One of the issues around that is that when we reformed our electoral laws some time back we decided to do away with the need for British citizenship, that was one of the motivators in the electoral reform because of the nature nowadays of the Island where many of the residents are not British. Members must bear in mind that the examples contained in this document, many of them centre around this concept of citizenship. It seems to me that at the time there was a move to similarly make the right to vote fairly instantaneous. Once you were working and registered on the Island as a resident then you should have the vote, and I believe that at the time the 2 years was brought in as a compromise position, there was debate at the time, I am suggesting that possibly at this stage it is time to move away from that compromise position and if we have got it accurately and we know who is committed here, and bear in mind if you are on the Population Register you will be registered to live, you will be registered to work and you will be paying tax under ITIS. So the principle, and I will use it once and I hope not to return to it, of no taxation without representation does apply. If I return briefly to the additional material received from P.P.C., what struck me in reading through these examples from other places was the short length of time needed for residency. It seems to me that the principle of giving people the vote as soon as possible is one which predominates. So, for example, the Isle of Man, have been resident for a period of 12 months. From Northern Ireland, have been resident in Northern Ireland during the whole of the previous 3 months. From the Irish Republic, have been ordinarily resident in the State on 1st September of the year preceding the register. So again fairly straightforward, fairly short timescales. In the USA, in the States, we have got down to 30 days in most states. The residency qualification is a month, 15 day registration, 30 day registration, 28 day registration.

Deputy S.C. Ferguson:

Can I just ask, is that only if you are American?

Deputy G.P. Southern:

Yes. In the context of citizenship, but we have abandoned the concept of citizenship as a precursor for voting, that is why we have got the issue. In New Zealand, we are talking about one year without leaving the country. Australia, has resided for at least one month at their current address and France is the exception, you have got to have been a taxpayer paying local taxes for at least 5 years. But, nonetheless, I believe that for us is a short period of residency qualification. I do not think in principle there is anything wrong with going to a short as possible time delay on receiving the right to vote. In the other additional material that I did not have last time I make reference towards the end of my report, and if Members will bear with me, I will just briefly the words of the Dean, who is not present today so I will have to read them because he is not going to repeat them, which I believe sums up the spirit of what this proposition contains. And he says: "I do not yet have a vote in any election we might call because it is still another 6 months until I have been here 2 years. We think we have still

some way to go in coming up with modern democracy. It seems to me, Sir, we have not yet got past the American War of Independence which was on the principles I remember of no taxation without representation. I do not think I have been given by the Treasury Minister a 2 year freedom from paying taxes, just a 2 year freedom from the responsibility of voting.” And I believe those words go to the principles of what this proposition is about. Then finally he says, and I am just about to finish so bear with me please, Members; “We need to engage in communicating the vision and building a community that includes both those who go back before the William the Conqueror and those who came in on the last boat, and assuring them that they are all stakeholders upholding of the Island’s past traditions and the guarantee of a prosperous future and therein lies, I think, the principles that we should be adopting, and we will be adopting, if we accept the whole of this motion of welcoming and encouraging those who are resident on the Island and newly resident, by the generous nature of what we can do. We could say: “We want you, and we want you involved from the very start in building our community and part of that is the voting process and participating in our democracy” and that is the spirit in which I propose this proposition. As I say, I do want to hear about the 2 issues when Members do speak. The principle of using the Population Register to effectively to double for electoral purposes and there is no reason why it should not. We are drafting that law now. It can be done. The second principle that is contained here, the 2 years, and whether it is time yet to abandon that and say: “When you are here, working, living, paying taxes, you should have the vote from as early as we can.” On this point I look forward to hearing Members’ opinions.

The Bailiff:

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

5.1.1 Senator L. Norman:

I wonder without speaking in the debate, if I could just seek your guidance and clarification on what this proposition means because it suddenly occurs to me that everyone who is resident will be eligible to register to vote immediately this register is created. Now, presumably that would mean people under the age of 16, would include people who are serving prison sentences, would include people who are under curatorship, people who currently are not entitled to vote. Is that the case, or is it not the case? It is unclear to me, Sir.

The Bailiff:

I think that Members have to read the proposition as being one which invites Members to approve a general principle. I do not expect that anyone would expect that a 10 year-old would be entitled to vote. Perhaps some people would, but I think the majority of people probably would not, nor in fact that people who are under curatorship should be able to vote. So, the general principles which govern eligibility to vote in public elections I think must be assumed to apply and the only difference is, as Deputy Southern has explained, that the eligibility to vote is not confined to those who have been resident here for 2 years but those who have become registered by the Population Office.

5.1.2 Senator T.A. Le Sueur:

I think we may be developing on the comments of Senator Norman because I think this proposition seems flawed, or certainly not adequate, because in one proposition I think the Deputy makes the view that it is only one proposition. We are trying to address 2 very different issues; that of an Electoral Register and that of residency. I am not going to talk at length about the residency. As far as I am concerned a 2-year residency suits me as being consistent with most other jurisdictions. But the question of the Population Register does concern me because I think the Deputy maybe is trying to imply that this register does more

things than it necessarily will. He says in his report that the proposition will transfer the responsibility of maintaining the accuracy of the Electoral Register to the Population Office. I think we would all agree that one of the drawbacks, or difficulties, particularly with St. Helier, is that the Electoral Register is not necessarily 100 per cent accurate and if this proposition suggested to me that we would improve the accuracy of the register by moving it to the Population Register I might have more sympathy, but at the moment the fact is I simply do not know, and I do not know because I do not know on what terms the Population Register is being created. The Deputy assumes in his report that it will contain basic details of name, address, occupation and so on and I think that will be true certainly when you apply to go on to the register, but I am not sure on what basis the register will be updated for people's change in circumstances and I certainly do not know, at this stage, because the Population Register proposition has not been before us yet, whether it will be mandatory to register a change of address within 3 days, 3 weeks or 3 years, whether every time you move or change jobs you have to re-register. If we do, then I can see that the costs of that Population Register to maintain are going to be quite considerable, if we do it as being maintained on a reactive basis. It will only be as up-to-date and as accurate as the electors themselves make it by complying with their obligations in the Population Register. Contrast that with the current system whereby the Constables issue forms every year to every household and invite that household to give them an up-to-date situation. I grant you that that may change over the period of the year, and it still will not be totally accurate, but I suggest to Members that a system where the Constables ask every household each year for information is more likely to be accurate than the one which relies on individuals, not necessarily working even, individuals to inform the Population Office of the change in circumstances. As I say, that may well be the intention of the Population Register. I just do not know and maybe if the proposition comes back in 12 months' time when I know what the Population Register will do and how it will operate it will be easier for me to make up my mind. At present I cannot and therefore I would have to oppose this proposition.

5.1.3 Deputy C.J. Scott Warren:

I would like to ask the proposer of this proposition for clarification regarding the Population Register and at the moment the Parish electoral rolls, whether the information on the Population Register for each prospective resident of the respective parishes would be transferred to those parishes, or whether it would replace totally the Parish involvement in this area. I personally do believe that 2 years is too long for people living in Jersey, coming to Jersey to work, pay taxes and not have the right to vote. I just have concerns about the way in which this Population Register would work and whether it would mean an end totally to Parish involvement regarding the electoral roll. Thank you.

5.1.4 Deputy G.W.J. de Faye:

I think it is fair to say that the current system of establishing the electoral roll parish by parish certainly is not perfect and I know that St. Helier Deputies in particular were very embarrassed at the most recent elections when we discovered, due to inaccuracies, that we were sending our manifestos out to deceased voters; primarily causing stress and embarrassment to recently bereaved people and, secondly, simply wasting everybody's time, money and effort. So, if there is a better way that things could be done I would certainly welcome that but I am not sure, and I agree very much with the Treasury Minister that there is definitive evidence that what Deputy Southern is proposing is necessarily the right route. I am not at all certain how this would deal with, for instance, the problems of voters either transferring from one parish to the next or indeed how it would tackle deaths. So, I think I would like to know more about just how the Population Register would work before I send us down a path of committing, via a proposition in this House, to taking that up as a

straightforward strategy. So, I think there may be merit in this but there is, I think, much more work that needs to be done. The phrase: “No taxation without representation” is a well-known one and does throw up some interesting ideas. It may well be that when the 2 year residency period was first considered that there was a feeling that you worked in the Island for a year, the Income Tax then sent you a form to fill in, and at the end of the next year you paid your tax, hence 2 years. That may well be what it is all about but let us not forget that is an historic phrase and it does not really mean what it is being purported to mean because at the time the phrase: “No taxation without representation” was issued, for a start it was issued from one country, now the United States of America, to another at a time when they were colonies. It was also the case that probably the only people involved at the time were landowners and ratepayers. Women certainly did not have any representation whatsoever, but probably were being taxed, and so on and so forth, in the words of Deputy Le Hérissier. So, I think that we again need to treat that type of argument with a pinch of salt. I see really nothing in this proposition that prompts me to make any significant change to our current system.

5.1.5 Deputy S.C. Ferguson:

I am uncomfortable with this proposition. I feel that most countries do require a degree of commitment to their society to be given the vote. In fact, most of them require citizenship which includes learning the language. You cannot just get off the boat and go and vote and you probably cannot read the names of the people, but that is another story. I think it is unrealistic to contemplate allowing residents an instant privilege as a right without demonstrating any responsibility and I am also uncomfortable about the fact that in this sort of system we end up with residents who are effectively voting in 2 jurisdictions. This is addressed by a number of countries, for example New Zealand, and I wonder if we should contemplate this. The central register, the Treasury Minister, and Deputy de Faye have already commented on this. I must say I am a bit sceptical about multiple uses of central databases. They do have overtones of 1984 and as has been said they do tend to remove the parish element, which I think is important. The Deputy also refers to simplifying the electoral process. As a fellow Mancunian I agree with him that Manchester is streets ahead of anywhere else in the U.K., but that is the U.K.. I see absolutely no reason for importing Mancunian ways into Jersey. This is Jersey with a totally different history and culture, which is part of its charm and contributes to the fabulous quality of life here. I cannot support his proposition. I would add that he quotes very selectively from the comments which I am sure my fellow Members have noticed because most of them do also mention citizenship. The US, as Deputy Huet has said, requires citizenship before you vote. Thank you, Sir.

5.1.6 Deputy R.G. Le Hérissier:

Just contemplating the impact of Manchester upon electoral registration. Mind-boggling, although local government under Joseph Chamberlain of course did get a good start there. I understood that the Island ended up with a 2-year period of eligibility because of a decision of the European Court to do with Gibraltar where it was decided that elections should be open to people who had 2 years residency and that ours seemed, in a very loose sense, to be defined as municipal elections and that is why we adopted the 2 years. I do not think there was the kind of discussion that Deputy Southern instances. But, Sir, I think Deputy Ferguson has put her finger, in a sense, on the issue in that we are in a sense a quasi-state but yet we cannot impose our own test, so to speak, of citizenship, and in all countries which are trying to encourage newcomers to integrate they do pursue, as we were discussing this morning, citizenship education. They do pursue various kinds of ways of ensuring that people do buy into the approach, do understand it and are therefore better able to play a full part and I wonder if that, Sir, is not an element that is missing in this particular proposition. The other issue, Sir, I

would have preferred had it come forward had there been, and I am sure this is imminent, I know the President of Privileges is very keen on the notion of a Chief Electoral Officer, and I was wondering whether there is a debate. I have his word in a statement he made in December 2005. I wonder, Sir, whether it would be worth going through that debate because I also know that there are moves to reform the electoral process in the parishes, spearheaded by the committee at the moment and I wonder whether we should not get the whole package put together before we try and take one isolated issue. Because also, Sir, like whether the administrative system will come from the Chief Electoral Officer or from the parishes I think Deputy Ferguson has raised a very good point, there are a lot of people, and it is more manifest at census time, who for various reasons do not like being compelled to join government databases either for good or for bad reasons, but there is a suspicion of government databases and I think whatever system we have has to have that element of voluntarily opting in. It has to have that element. As I said when I was talking about the apathy party this morning, you take that decision whether you are going to be in a sense positively apathetic or not, so to speak, and I think you should be given that right and I think there is a real feeling that if... and it is odd that we should be arguing this case. Deputy Southern is right to look perplexed because he clearly has not thought about this. If there is the possibility of a major database grabbing us, so to speak, as we enter the Island I think there are some people who will feel very uncomfortable. By all means get the population database sorted out but I have grave doubts about marching people, so to speak, on to the Electoral Register. Thank you, Sir.

5.1.7 Senator J.L. Perchard:

There is an assumption by the proposer that a Population Register would be a suitable vehicle to double as an Electoral Register but I say, through the Chair, that the details on how the Population Register be constructed and updated have yet to be decided and until they are decided and agreed by this House this proposition is premature. Having said that, Sir, I propose that we move on to the next item.

Deputy R.G. Le Hérisier:

I would like to second that, Sir.

Deputy S.C. Ferguson:

Should we not just get it all done and let everybody speak first?

The Bailiff:

That is a matter for Members to decide, Deputy. I think the proposition is in order, some debate has taken place on the proposition and as Members know no debate is allowed on the proposition to move to the next item on the Order Paper. Would you like an appel?

Senator J.L. Perchard:

Yes, please, Sir, I would like the appel.

The Bailiff:

I invite Members who wish to vote on the proposition to return to their seats. The vote is for or against Senator Perchard's proposition to move to the next item on the Order Paper. I ask the Greffier to open the voting.

POUR: 12

CONTRE: 30

ABSTAIN: 0

Senator P.F. Routier	Senator L. Norman
Senator P.F.C. Ozouf	Senator T.A. Le Sueur
Senator T.J. Le Main	Senator F.E. Cohen
Senator J.L. Perchard	Connétable of St. Ouen
Connétable of St. Mary	Connétable of St. Clement
Connétable of St. Peter	Connétable of Trinity
Connétable of St. Lawrence	Connétable of St. Brelade
Connétable of Grouville	Connétable of St. John
Connétable of St. Martin	Deputy A. Breckon (S)
Deputy R.C. Duhamel (S)	Deputy J.J. Huet (H)
Deputy P.N. Troy (B)	Deputy of St. Martin
Deputy I.J. Gorst (C)	Deputy G.C.L. Baudains (C)
	Deputy C.J. Scott Warren (S)
	Deputy R.G. Le Hérissier (S)
	Deputy J.A. Martin (H)
	Deputy G.P. Southern (H)
	Deputy S.C. Ferguson (B)
	Deputy of St. Ouen
	Deputy of Grouville
	Deputy of St. Peter
	Deputy J.A. Hilton (H)
	Deputy G.W.J. de Faye (H)
	Deputy P.V.F. Le Claire (H)
	Deputy J.A.N. Le Fondré (L)

Deputy D.W. Mezbourian
(L)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy of St. Mary

5.1.8 Deputy P.V.F. Le Claire:

I am glad that we did not move on to the next item, Sir, because I think it is important for us to speak our views about this so that not only we know what we are doing but also the public know. I personally cannot support the proposition and Deputy Southern has asked us to speak about the 2 principles contained within the proposition. The first principle seems that it is aiming for some kind of active involvement for a Population Register which we have heard about today and we have heard also, quite interestingly, that it may not be maintained as often as some might have thought it would have been in the beginning and, in fact, what we do know is that we do not know any detail about the Population Register yet, so we will have to wait until that time to decide how we move that forward. I thought there might have been some merit in it but I do not always disagree with the Minister for Transport and Technical Services. I agree with him on a lot of things; I agreed with him completely in his speech about the issues that he made. I thought that the pinch of salt in relation to the no taxation without representation was justified because in the United Kingdom, as has been pointed out in the report, in order to vote in a national election you need to be a British citizen, or a member of the Commonwealth I believe was pointed out. How does one become a British citizen? Well, interestingly my wife is going through that process at the moment. As a married woman to a person that has British citizenship she is entitled one year ahead of her countrymen, or countrywomen, to apply for a passport after 3 years. After 3 years she can apply. Normally in the fourth year she would be sitting the test after having bought the book for £30, applying and sitting the test at £50 per test, having achieved at least 75 to 80 per cent, I think it is, to pass. Then the processing of the application, £600 and then the passport itself I think which is another £75. So, there is a cost element and there is a definite time element in respect of getting the passport but also more interestingly as when I took my citizenship in Canada, you have to know a little bit about where you are and you have to know things that are not known to you when you first arrive. General questions about how democracy works in that country, general questions. In Canada you have to participate in singing the national anthem before you are awarded a citizenship and you cannot just do it on day one. You can have a landed immigrant status, but then you cannot work for 18 months. In Jersey people can come and work and they can earn a lot of money in some places where there are no jobs. As the majority of people that are coming to Jersey that cannot vote in the first few years are predominantly from Great Britain, Portugal and Poland, over the last 12 months I made an effort to try and engage some of the Polish and Portuguese in the election process. In speaking to them at the masses we held at St. Thomas' Church, unfortunately I was only able to encourage 3 people from the Portuguese mass to come to register, although I received a letter saying how much they appreciated me trying to engender people to become involved, and I was told quite frankly by the Polish that they did not care about voting, they distrusted

politicians predominantly where they came from, they did not really see the point in getting involved in Jersey, they did not think, for the most part that spoke to me, that they were going to be involved. They thought they were here to make some money, move on, get a foot on the property ladder, perhaps back home, advance their careers, not necessarily wanting to think 20 or 30 years down the road in Jersey. The same things would apply, I guess, in certain circumstances if they were in Great Britain. If you have a local election like you do have at the Parish Hall, as a ratepayer you can vote, can you not, on issues? So, you do not have to wait 2 years for that. If you pay your rates you can vote in what is a sort of local election but in a national sort of way this is the Island's legislature. Surely somebody who is coming to vote should know a little bit about the Island, should know a little bit about the history, should know a little bit about the legislature itself. Some of the questions that are contained in the citizenship test, which is only going to increase in difficulty over the next few years to become a British citizen, are extremely complex. My wife has asked me on a number of occasions and I have ended up scratching my head: "I am not quite certain. Hang on and I will go and look." Some of the questions are quite difficult. So, the rights and responsibilities that come with that are not just handed out willy-nilly. I think 2 years, to be honest, is pretty good. I think it is about right as well. I do not buy this idea about no taxation without representation because there certainly are a lot of nationals in the United Kingdom that are paying taxes that are not voting. Are you going to link the right to vote as the French do with the challenge that you must have been paying taxes? I think we need to de-link the idea that taxation should be linked to voting, which was the argument that was made I believe when this was brought forward in the first place. By giving people an opportunity to participate in the democratic process after 2 years I think the Island of Jersey and its legislature has gone a long way and needs not go any further.

5.1.9 Deputy J.J. Huet:

I found it quite fascinating, this 2 years that we have at the moment, and I can only speak basically about America which I do admire as a country, but in America, though you can vote more or less immediately, you cannot vote there until you become an American. I happen to know numerous British citizens who live in America and have lived there for 20-odd years. They are married to Americans, they own businesses, they pay thousands in tax. They have no right to vote because they will not give up their British citizenship and until they do that, until they become Americans, they will have no right to vote. They can pay thousands, they will never get a pension, they will never get any health service. They have to take that choice. If they decide to become American, and obviously if they are British I hope they can speak English, they have to be able to prove that they can speak English, and they have to prove that they are an asset to the country but it does not make a difference to say that because they pay tax they can vote. They cannot vote. They will never be able to vote and we are not even talking about people being able to understand English and we are talking about giving them the vote. Where is their loyalty to Jersey? If you can go to other countries, if you become that country, yes, I can understand it, but to say that you can walk into Jersey, do not understand the language, know nothing about its customs, its ages, its people or anything else and have the right to vote. Where are we coming from? I have to say it is like going back into doolally land. Thank you very much, Sir.

5.1.10 Senator T.J. Le Main:

I just cannot get my head around this proposition I am afraid. I totally agree with Deputy Ferguson and Deputy Le Claire. How can it be right that someone can just walk into the Island with no commitment, having left their own country in places and, as highlighted by Deputy Ferguson, having voted in their own country in the same year and yet walk into Jersey and vote on a mandate that could, in fact, affect Jersey's relationship with that country or

otherwise. That is why I say years ago that you had to be a British citizen to be able to vote and be here for 2 years. You could not just be from any other country like we do now. I just cannot get my head around all of this. It is unfortunate but I am getting really concerned, Sir, that we are now starting to reduce everything for newcomers of this Island. I know we need newcomers to come to the Island but we are getting to a point now where people are recognised as living on the Island for 5 years. I know Deputy Southern wants a low income to be paid at 2 years or 3 years. The next thing will be the moment they walk on to the Island. You will be paying low income and benefits and this Island will be crawling over with people coming to the Island seeking benefits.

Deputy G.P. Southern:

Point of correction, Sir, if I may, if the Deputy will give way.

Senator T.J. Le Main:

I am very happy to give way.

Deputy G.P. Southern:

I have never said anything of the sort about 2 years, 5 years, 1 year, as they walk in the door, ever.

Senator T.J. Le Main:

Well, I have seen somewhere on the J.D.A. (Jersey Democratic Alliance) site, Sir, which I presume the Deputy has some ties with...

Deputy G.P. Southern:

I do not know what he is referring to, but he is not correct. **[Laughter]**

Connétable D.J. Murphy of Grouville:

Can we note that the Senator is dumbstruck. It is the first time I have ever known it.

Senator T.J. Le Main:

I do not know whether to be rude or be polite. I was thinking otherwise I am going to be censured. I urge Members really, you have heard the very good defence from Deputy Ferguson and Deputy Le Claire. As I say, I do not think that this Island is ready to allow someone to walk into this Island, having made no commitment, probably cannot speak a word of English, does not understand what is going on, does not understand the policies, has no knowledge of the Island, and yet under this, if this was approved today, this is what we are saying. We are slowly, very slowly, eroding our honorary system, we are slowly eroding our way of life and I full warn this Assembly if we continue in the next 10 or 20 years there will not be any Constables in this Assembly, there will be no honorary system in Jersey and we will have all these kinds of issues that have been brought up, and we will be another part of the U.K. where people will just walk in, grab what they like and just go go. I am going to vigorously oppose this because I am standing up for Jersey at this moment. It is time there were some Jersey people that stood up for what we really believe in and to go down this road of allowing anybody to come in like that quite honestly you should be ashamed of yourselves if you vote for it. Thank you, Sir.

5.1.11 Deputy J.A. Martin:

It is really, really good to stand up and follow Senator Le Main's speech. He is the Minister of Housing and he talks about letting anyone in with commitment. Let me remind him in written answers yesterday under "(j)" category without time limit we allowed, or he, Sir, his

Ministry, 80 people to come to the Island for ever and they have brought their families with them, and they have made no commitment, and they are also keeping our economy on track because they are "(j)'s" and they are... on the system, Sir, they cannot vote for 2 years. Senator Perchard, Sir, keeps putting 2 fingers up and it is not that 2, I got the 2 years. I thought he was saying: "Peace, peace man" but there you are. Anyway, I will get back to the proposition. He really puts me off, Sir, when he keeps making these signs across the Chamber. **[Laughter]** Anyway, Sir, I think that is a commitment and of course Senator Le Sueur is quite happy that he is collecting lots of money off these people but they cannot vote. What has absolutely amazed me though, we seem to be having the population debate which was called migration, monitor and regulation, which I think everyone who has talked about this they do not want people to march down and put their names on. In fact, you all voted for this. I would be very surprised if the people who have spoken against linking the right to vote with the Population Register. Some people do not even understand what they voted for. People will not be marched down to the Population Office. The simple facts are quite easy, if you do not have a registration card you cannot work and you cannot live in Jersey. You have to see if you want to have lodgings, or if you want to purchase or rent you have to have a registration card so that gets away from just working people. It is everybody and I thought we agreed to have this Population Register because it would be all singing, all dancing. When people move it will be updated and that is the Population Register that was outlined in P.25/2005. So, to me it covers the part of what is the commitment, why the Population Register. Deputy de Faye brought up how embarrassing it is for the Electoral Register and is it better that you are sending letters out to everybody? I will say that people who are not registered in this Island are a majority between zero to 13 years who do not have qualifications or do not have a house or rented house in their own name. Lots of people, landlords, do not pass on voter registrations to their lodgers and lodging houses ... just seem to disappear off the register when you go knocking on the door. They are not there and the people who are living there do not know who you are talking about. Register what? Have not seen a form. Many of them have been here for years. It is not the 13 required now - and excuse me my memory, Sir, if it serves me correctly - talking about putting things down, the Housing Minister finds no problem again with reducing over the next 18 months housing qualifications down to 10 years. That is the Housing Minister's policy, but he can produce figures. Well, it is the States' policy linked to the migration, monitor and regulation. So, it is all in one. So, I do not have a problem. I do not like this talk about people cannot understand, cannot talk English. I cannot talk English myself and we have already had that discussion but I do my bit. It is not the Queen's English but I try very hard and maybe I would not pass a citizenship of Jersey because I do not speak with a St. Ouennais accent **[Members: Oh!]** or even St. Mary. I do not want to leave out or offend any Constables or any parishes. I do that often enough, Sir. But I really think we are dragging people in. We are advertising the Island. We are giving this year alone 80 families, there are more actually, time limited 'j's and we have a problem that they can vote linking them to the Population Register. I am sorry, Sir, the Senator keeps putting those 2 fingers up. But I think we are being precious. It is in principle, but please do not have the debate about the Population Register. I know what it is going to look like. I hope I know what it is going to look like and it is going to come through this House and if it is going to be worth the 20 days of law drafting it better do what it says on the tin and that is to let us know everybody who is in the Island so that we can plan, and everybody in the Island who is on that register, quite easy, they have the right to vote. If anyone thinks as I say, in my last speech, that is the first thing somebody asks when they get off the boat or the plane, when is the next election? Where is the next polling station? You are all in cloud cuckoo land because nobody has ever asked me that. Never. They might ask where the bus station is, they might ask where the social

security is, and as everybody knows it is 5 years under welfare and unless social security has changed it will be 5 years for benefits under the new system as well, and that will be for everybody. That will be for Jersey people as well, and that is a debate to be had but that is the proposition as it stands. Leave the Island for 5 years you lose your benefit until you return for 5 years. So, that is another thing that we should all think about, treating everybody the same; 2 years, it does not matter. People probably need to find the system. I do not think that this asks too much and I will as before, I thank everyone who did vote not to pass on to the next item because we do need to put this one to bed once and for all and Senator Perchard is nodding at me, and he was the one who brought the move on to the next item, and another 2 to you as well, Senator. Thank you very much.

Senator P.F. Routier:

Just as a point of order with regard to a comment which the Deputy made with regard to qualification for income support and people with local qualifications. I think the Deputy would be better to wait until the proposition is lodged to what is in there.

5.1.12 The Deputy of St. John:

I am trying to put this 2 year idea into some perspective. If one thinks you have been here for a year, maybe 23 months, and an election occurs. Obviously if you had been here only 23 months you would not qualify to vote. The next election is not for another 3 years, so you have been here now for 5 years and you have not been able to vote. That concerns me slightly when we are trying to attract “j’s” and qualified people to run our industries here and I think they might feel a bit disenfranchised by that, but I do accept there needs to be some restriction, some limit. In some countries it is only 3 months, in some 12 months. Just maybe 2 years is not quite right but I am not so sure that it should be Deputy Southern’s job to do that. We are undergoing a lot of review at the moment of what we do in this Parliament and that is the job of P.P.C., and there needs to be some joined up thinking here. I think what Deputy Southern is trying to do here is not crazy. I think it needs to be looked at. I do not think it is quite right at the moment. Deputy de Faye put his finger on the pulse with the bit about the current Electoral Register. It is not perfect at all. I had a number of deceased people on the electoral roll that I used in canvassing St. Johns. Quite embarrassing really. There is work to be done on that and that could be done with the IT systems we are currently looking at throughout the States, and that should be done in conjunction with P.P.C. and other bodies. If Deputy Southern wants to have some input into that and other Members that is great and that is what should happen. There should be some real joined up thinking. In principle I would like to support this because I think there are some good ideas here but it is piecemeal. We need to look at the bigger picture. We need to wait for the Population Office to be fully established. We need to have a report from P.P.C. on all the views concerning electoral matters and then bring it back to the House again. So, I would like to thank Deputy Southern for bringing this to our attention. It is an issue among some people. If I was living somewhere for 5 years, which could happen in the example I showed you, without voting and paying my taxes and contributing to the economy I would not be very happy with that and I can understand where Deputy Southern is coming from. There needs to be some restrictions. I think 2 years is too long and having none is too little but I think it is not for Deputy Southern to do that. I believe it is P.P.C.’s role to look at that and the Population Office needs to report back on their own findings before we take this any further. Thank you, Sir.

Senator J.L. Perchard:

Just on a point of order, Sir. I think the Deputy has misled the House by saying that it could be 5 years before having an opportunity to vote. That is not the case at all. After 2 years you can attend your Parish Assembly and vote probably every month.

Deputy of St. John:

You can do that anyway as a ratepayer.

5.1.13 Connétable K.P. Vibert of St. Ouen:

A number of Members have raised the issue of the names of deceased persons being on the register. I would like to inform the Assembly that this matter has now been addressed. The understanding by the Connétables in the past was that they could only take a name off the register if they were informed of that person's death. We have overcome that... not by the person himself, no. **[Laughter]** We have overcome that, Sir, by asking the registrar to issue the parishes on a monthly return of persons who have died in that parish during the month. So, that way we are informed and so, according to the law, we can then take them off the register. I believe that is being done at the moment, so hopefully those people who have suffered embarrassment at having sent a circular, as well as the families who have received it, hopefully that will not happen again. The proposer asked that we concentrate on the 2 points that are raised within the report and I would like to do that, if I may. I think I would like to, in dealing with (a) maybe mention a word which the Minister for the Treasury used and that was obligation. I am concerned that the proposition, although I have read it a couple of times and I am not sure how it reads, that there might be an obligation to be on the register the moment you have registered with the office. I know for a fact that a large number of people that we send application forms to come back to the Parish Hall and say that they do not wish to be on a register and at the moment we do not have a law which is obligatory on a person to be on the register. I think that is important that we continue that. Certainly I would be remiss if I did not oppose part (a) because I feel quite strongly that we can handle it parochially, as has been done for many, many years, and I would like to refer to Deputy Le Hérissier who said that the matter is being looked at by the Connétables. The Connétables produced a report at this last meeting which it considered on a number of issues relating to the whole of the registration and voting system and that report has now been passed to P.P.C. for them to look at and bring back to the States. As far as the 2-year residency is concerned, I am concerned that we might be going a step too far. I think that registration on arrival in the Island is definitely a step too far. It may well be that 2 years might be too long, but certainly at this stage I cannot accept (b) either. Thank you, Sir.

Deputy G.C.L. Baudains:

On a point of order I voted against moving on to the next item because I believe this item deserves to be voted on but could I give notice that I wish to bring a closure motion in due course.

5.1.14 The Deputy of St. Martin:

It was mentioned earlier that we wanted to know how we got into this situation and I think it would helpful to remind some of those Members who were not here in 1994, and just looking around the House I can see about half a dozen who may well have been there at the debate, but it was prior to 1994 that anyone who was a British subject and ordinary resident on 1st March could then vote in the relevant year. However, if you were not a British subject, or if you were a longstanding Jersey resident but were not a British subject, you could not vote and that included people like my grandparents. My grandparents were French. They lived here for 50 years and they chose not to. They chose not to lose their French nationality, or did not even wish to become a dual citizen which would have given them the right. There were a number of people that just felt that no way did they want to give up their birth right to vote in Jersey and that was their right, however it did seem to be a bit harsh and certainly if we like to consider ourselves as a tolerant Island there were moves then to look to see how we could change it. So, in 1994 the former Legislation Committee came forward with a proposition

and that was to allow, apart from British, also Commonwealth and European Union citizens who were living in the Island, on 1st March they would also be able to vote. In simple terms, what we were going to do, you could have Jersey people, British people and European Union citizens and also people from the Commonwealth who were living here on 1st March of that year they could vote. They all brought in, or suggested, that any citizen who came from any other country would have to live here for 3 years before they could vote. There was this feeling, were we being discriminatory? So, as a compromise the former Deputy Dorey brought forward an amendment and what the amendment was, was that everyone would have to live here for 2 years before they could vote. So, in other words, what that proposition was doing it was taking away a right that people had for the benefit of those who were complete foreign nationals. Those were people, some were talking about, that could not speak English, that had no understanding. That amendment was passed so now we have the position where everyone has to have 2 years. While I can understand why some people, I think they are misguided, saying that you should have some loyalty to the Island, you should work here for some time before you can have a vote, I think as a more tolerant and compassionate Island we should be above that because what we have done by introducing that 2-year rule, those who will remember the speech by the Dean at the last debate, I thought he brought out some very pertinent points. He said that people like himself who were well assimilated early into the Island had to wait 2 years before they could vote and what we try to do, by being politically correct, we are denying one group of people at the expense of another and I think that is rather unfortunate. I think what we are doing now, 13 years on, I would have thought we were a bit more of an enlightened Assembly and I am disappointed by some of the comments this afternoon, to hear people rather narrow minded but I thought we were more tolerant. What Deputy Southern is trying to do is try to return or restore a right which was taken away from a lot of people and if it does not get through today I hope he will keep pushing on for it. This might not be the right way. It may well be that we need a change in the public elections law. I do not know, but I would hope that at some time or another we would be big enough to accept that those people who live and work here and are citizens to the Island, paying their rates, in line with what Deputy Southern was saying, will eventually get that vote and I would hope that those people who have been thinking about voting against what Deputy Southern is saying would maybe have a rethink and support Deputy Southern's proposition. Thank you, Sir.

5.1.15 Deputy S. Pitman:

I would like to start my speech by saying that I would like to remind Members about who supports our industry. Our finance industry - immigrants. Our tourism industry - immigrants. The agricultural industry - immigrants. In turn, Sir, these immigrants contribute significantly through taxes for our health service, education and social services. As Deputy Ferguson put it: "Our fabulous quality of life." Some have said that immigrants have just come over to better their lives and their family's lives. Is that not something that we would all do? That they are not interested in the Jersey way of life, or they do not speak English. These, Sir, are the reasons why they should not vote. Very poor reasons, in my view, given what immigrants provide for this Island.

5.1.16 Deputy P.N. Troy:

I will be very brief. I would just like to say that I will not support this proposition as it is worded, but I do think that like others I feel that Deputy Southern does have a point here; certainly 2 years we could consider reducing to one year or something similar, as has been suggested by the Deputy of St. John. I would hope that Deputy Southern and P.P.C. could maybe look at that, either together if they could talk about the whole issue, and there obviously are concerns from people who are arriving in the Island. I certainly probably would

have no objection to it being reduced down to one year, so maybe P.P.C. and Deputy Southern could get together and look at something like that.

The Bailiff:

I call on Deputy Southern to reply.

5.1.17 Deputy G.P. Southern:

I will be as brief as I can because I know that there is not much more business to be done, but I thank everyone that has contributed to the debate, whether for or against, and in whatever manner that they choose to because it is all very healthy, I am sure. Sometimes painful. I will start with Senator Le Sueur. I wrote one word down straight away: "Picky" but then I became a bit more serious. The fact is the Treasury and Resources Minister, senior member of the Council of Ministers, appeared to be casting doubt on our ability to fulfil an item of our policy that we will have a Population Register and that it will be accurately maintained and that it will be a good marker for how many people are here. He seemed to be casting doubt as to whether that could be delivered and whether it would be any more accurate than the Electoral Register. Well, woe betide us if it is not more accurate than the Electoral Register because we will have I do not know how many thousands more on the register here than are on the register. I was very surprised to find that. I am surprised to find Deputy Gorst, who is on the Migration Advisory Group and steering this piece of legislation or policy through, did not stand up and give the assurance that we could do that, have an accurate register to know how many people are here in the Population Register and that he would bend heaven and hell to achieve those ends because we are committed to it. There it is, it is on P.25/2005. That is our policy. If we cannot deliver that, we have a migration policy which the wheels are about to fall off, I would suggest. Moving on, Deputy Scott Warren agreed that 2 years is too long and was worried about possibly how this would work. Would it work in conjunction with the parishes, or stand alone in its own replace the parishes. The proposition is silent on that. That is to be worked out. It is not necessary, I do not believe, to go into that. That is something to be worked out. Deputy de Faye again talked about the accuracy of the Electoral Register in this case and referred to the principle. He said: "Surely there must be a better way it can be done" but then took the principle of no taxation without representation with a pinch of salt. I do believe it still holds, despite the fact that it may be 2 centuries old and is appropriate, in our particular case. Deputy Ferguson talked about those who cannot speak the language but they might not be able to speak the language or read the language very well even after 2 years and we will return to that issue in another debate, how you get the illiterate and those whose first language is not English, how you get them involved and how you get them to vote at another time. This is where the debate seemed to take a veer into the issue of citizenship. The issue of citizenship is something we debated back in 2004 and accepted that we could no longer do this British citizenship and that it was inappropriate, I believe, for an Island of a very small size to have something called a Jersey citizenship. Imagine the bureaucracy of doing that and having tests, et cetera, in order to become a Jersey citizen. We abandoned that a long time ago and to bring that back, and it did appear to be a thing that went through, is irrelevant I believe to what we are doing here. Again, Deputy Le Hérisier mentioned the progress towards perhaps an Electoral Officer and who was going to organise this and then talked about marching people into the register as if that was some sort of fascist behaviour. Surely the point is at the moment you are required to register in order to vote. You do not have to vote but, as I understood it, if you do not register to vote, are you not eligible to a fine? No? Is that not the case? Okay. Well, in that case, fine. It is a change then. Maybe we are compelling people to be on the register if we do attach it and maybe it is marching people to the register and they might not want it because they might not want to be registered for one reason or another on the population database. Deputy Le Claire again said 2 years

was about okay but then talked about the complexity and the cost of becoming a British citizen. Wow, £600 plus and, and, and. No wonder we abandoned British citizenship as a route to registering and being able to vote on the Island. Surely we cannot return to that sort of thing. That is no way forward. It makes the case I think for somehow easing the democratic participation on the Island. Deputy Huet again returned to the theme of citizenship via American citizenship. Again, a large jurisdiction, not like ours, and one that would be difficult to adopt, but she seemed to talk about what I would call the right to vote as some form of privilege to be doled out. I find that a very dangerous principle. We have to surely accept that voting is a right and not somehow a privilege to be doled out by us to them, whoever they are. She asked: "Where are we coming from, some form of doolally land." What I suggest we are coming from is a democracy and enabling people to more easily access their right to vote is part of that democracy, I would suggest. Senator Le Main, quite inspirationally was standing up for Jersey, and I thank him for his contribution which as ever is always genuine. Deputy Martin cannot resist standing after Senator Le Main and she is quite right too. She made the point again about our society welcoming immigrants to the Island and exercising the vote and making it as easy as possible. She reminded me of a joke so I may as well tell it because Deputy Baudains cannot silence me for a moment. I still have a quarter of an hour. The question is, in a citizenship test in Jersey, the first question on the paper is: "What does a Constable do?" Whatever answer you put you failed because: "Ah, my boy, it should be Connétable." Okay, well, I got one laugh. The Deputy of St. John, again, talked about this thing about 23 months. You could be here for 23 months and still not be able to vote and then 3 years later and it could be practically 5 years on the Island before you get a vote. The way around that, and he said he was open to persuasion, he says my idea was not crazy, which is a relief, and needs to be looked at. But then he went on to say that it was all piecemeal. Again, this is one of the arguments that we hear all the time. You bring a small item of proposal and you are told that you have not done this and you have not done the bigger picture. You bring the bigger picture and you dot all the i's and cross all the t's and people pick it off bit by bit and you end up with a little bit that gets through. So, there is a way forward and I am glad he was encouraging me to cut and come again, as it were. The Constable of St. Ouen again made a valuable contribution and I am glad to hear that the Constables have managed to solve one of the problems about the Electoral Register, however, that does not solve the larger problem in the larger urban parishes where something arrives addressed to the ratepayer in a lodging house that is meaningless. You do not get the 17 lodgers or 7 lodgers signed up on that. It does not work. He said he was open to persuasion - and I am glad to hear it - on 2 years. Maybe it should be less. Maybe 2 years is not right. Zero was not right, he said. The Deputy of St. Martin, I am glad he filled us in, and he has given it a way forward, I believe, and filled us in on the fact that the 2 years was indeed a compromised position which moved away and, for some people, reduced their right, back in 1994, and the consequences to access the vote because this idea of it used to be 1st March of that year you could vote, that would give a 6-month type of gap. That is a concept that I think is worth pursuing, and I may well, with or without conversation with P.P.C. pursue that at a future date. Deputy Pitman, thank you for reminding us that our economy is based on immigrants and that we should be as welcoming as we can, and that includes the right to vote. I thank Deputy Troy. He suggested that perhaps one year was the right level and I take that on board. I thank Members for their contributions and I call for the appel.

The Bailiff:

Can I ask all Members who wish to vote to return to their seats? I ask the Greffier to open the voting which is for or against the proposition of Deputy Southern.

POUR: 6

CONTRE: 35

ABSTAIN: 0

Deputy R.C. Duhamel (S)

Senator L. Norman

Deputy of St. Martin

Senator T.A. Le Sueur

Deputy R.G. Le Hérisssier
(S)

Senator P.F. Routier

Deputy J.A. Martin (H)

Senator P.F.C. Ozouf

Deputy G.P. Southern (H)

Senator T.J. Le Main

Deputy S. Pitman (H)

Senator B.E. Shenton

Senator J.L. Perchard

Connétable of St. Ouen

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of
St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy G.C.L. Baudains
(C)

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren
(S)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Deputy P.V.F. Le Claire
(H)

Deputy J.A.N. Le Fondré
(L)

Deputy D.W. Mezbourian
(L)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

6. Fields 848, 851 and 853, Bel Royal, St. Lawrence: Committee of Inquiry - appointment of members (P.81/2007)

The Bailiff:

We come now to Projet 81, Fields 848, et cetera, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 2nd May 2007 in which they agreed to approve the appointment of a Committee of Inquiry to investigate fully the circumstances relating to development of Fields 848, 851 and 853, Bel Royal, St. Lawrence and; (a) to appoint the following persons as members of the Committee of Inquiry, (i) Mrs. Carol Elizabeth Canavan, Chairman, (ii) Mr. David James Watkins, (iii) Mr. Peter Dawson Cameron; (b) to agree in accordance with Standing Order 146(5)(b) and (c), (i) that Mr. Watkins shall, if required, preside in the absence of the Chairman and (ii) that the quorum of the committee shall be 2; (c) to agree that in addition to the terms of reference for the Committee of Inquiry approved by the States on 2nd May 2007 the following term of reference be added: “to investigate the effectiveness of the planning process and the related conditional decision to grant planning permission and subsequent decisions taken by or on behalf of the Minister for Planning and Environment in relation to securing adequate protection of trees on the site.”

Deputy G.W.J. de Faye:

Point of order, Sir?

The Bailiff:

Yes.

Deputy G.W.J. de Faye:

It is my understanding that at least one Member of the House has a level of reservation about one of the proposed names for appointment. I would like to be able to hear what that Member says in a candid environment and so, just in case there may be any reputational issues involved, I would like to put it to Assembly, Sir, that we should hold this particular proposition in camera.

The Bailiff:

Can I just ask for clarification on that, Deputy, because the States have run into difficulty in this respect before? I just wonder if it might be more sensible for you to limit your proposal to a proposition that the States move into camera in order to allow any discussion about this particular issue to take place in private, in confidential circumstances, so as to avoid reputational damage, as you put it, and that the States should then move back into open session in order to discuss the proposition as a whole.

Deputy G.W.J. de Faye:

Yes, Sir, I would be very happy to take that course.

The Bailiff:

Is that proposition of Deputy de Faye seconded? **[Seconded]**. May I put that to the vote, unless any Member wishes to speak about it?

The Connétable of St. Peter:

In keeping with the previous debate taking place on this matter, I will withdraw from the Assembly.

The Bailiff:

You are declaring an interest, are you?

The Connétable of St. Peter:

I am, as the Tenant of the Marais which is the adjoining land, and there is a degree of implication on that side of the ownership.

The Bailiff:

Very well. Connétable of St. Peter declares an interest and withdraws. May I put, therefore, the proposition of Deputy de Faye? Those Members in favour of adopting it, kindly show. Those against? The proposition is carried. I wonder, Connétable, if the way forward is perhaps to invite you to propose the motion and the Assembly can then move into camera for what I hope will be a very short period in order that these exchanges can take place and the debate will then continue in open session.

6.1 Connétable G.W. Fisher of St. Lawrence:

I am sure all Members will recall that P.49 of 2007 to establish a Committee of Inquiry into the development of Fields 848, 851 and 853, Bel Royal, St. Lawrence was adopted by the States on 2nd May 2007, 2 months ago. The projet was supported by the Minister for Planning and Environment, and Members voted pour 38, contre 5, abstain 4. It falls to me as the proposer of the original projet to recommend to the House the names of members of the committee. It is with pleasure and much gratitude to the 3 people concerned that I

recommend the following: (1) Mrs. Carol Elizabeth Canavan as Chairman, (2) Mr. David James Watkins and (3) Mr. Peter Dawson Cameron. In the absence of Mrs. Canavan, Mr. Watkins would preside as Chairman, and the quorum for the committee would be 2. The appropriateness of each of the proposed members is set out in the second paragraph of the report and in the appendix. The Minister cannot be here at the moment, but he has confirmed to me in writing: "I am fully supportive of your suggested chairman and members." Turning now to the terms of reference, just to refresh memories, the original terms of reference for the Committee of Inquiry were to investigate (1) the process and rationale of rezoning Fields 848, 851, 853 and 854, Bel Royal, St. Lawrence as identified in policy H2 of the Island Plan 2002 and including Fields 861, 862a and 863a, (2) the present demand for the type of houses proposed under the scheme set out in the most recent planning application for the fields, (3) the effectiveness of the depth of analysis and review performed by States' departments in assessing the suitability of the fields rezoned, (4) the effectiveness of the Planning and Environment Department in independent consideration and assessment of the developer's proposals, (5) the effectiveness of the consideration by the Planning and Environment Department of the submissions and documentation of the developer in meeting the terms of the development brief and/or the Island Plan 2002, specifically to include statements contained in paragraphs 8.69 to 8.73 of the Island Plan 2002, (6) the status of the development brief and its relationship with separate statements in the Island Plan 2002, (7) the impact of the proposed development upon the infrastructure of the west of the Island in matters such as schools, roads, traffic, drains and existing floodplains, and lastly (8) any other matters which are shown to be relevant during the period of the inquiry. In order to honour a subsequent undertaking given to the Assembly by him, the Minister for Planning and Environment has requested that an additional term of reference be added as follows, and I am very happy to suggest that we go along with the Minister's request, and that is to investigate the effectiveness of the planning process and the related conditional decision to grant planning permission and subsequent decisions taken by or on behalf of the Minister for Planning and Environment in relation to securing adequate protection of trees on the site. Sir, I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Now, before the Assembly moves into camera, I wonder if I might just say from the Chair that the purpose of the proposition of Deputy de Faye, as I understood it, was to protect any individual from unfair reputational damage. Members will know that they have an absolute privilege which allows them in the Chamber to say anything they wish, even if it could be construed as defamatory of some individual. Now, that is the purpose of moving into camera, to allow Members to say anything which might fall within those parameters. That does not mean, it seems to me, that Members should feel that if they are opposed to the appointment of any particular individual to this Committee of Inquiry for reasons which have nothing to do with character, that they should not say that in open session. Therefore, I hope that the period of time during which the States are sitting in camera will be accordingly very short. Now, I therefore must ask the media to close down the broadcast of the debate and for any strangers in the precincts to leave. Deputy de Faye?

[Debate proceeded in camera]

The Bailiff:

Very well. I ask the usher to invite the media back into their boxes and to open the doors to strangers. Now, does any Member wish to speak? Deputy Le Claire.

6.1.1 Deputy P.V.F. Le Claire:

Now that we have briefly dealt with the issue that was at hand, I think that most Members will be able to have their minds put at ease in respect of the issue that was raised. I think that personally I can support the proposition in its entirety and I think the people who have been invited on, as we understand, to serve in this capacity are giving of their time and their efforts and their experience. Therefore, I think it is appropriate that we do endorse this membership and we support the Constable of St. Lawrence and we put to bed the thing that we aired in private and we should leave it there in private. I do hope that the investigation in respect of the effectiveness of the planning process and in respect of the safeguarding of the trees is something that will result in some positive suggestions on the way forwards. I recently noticed that some trees were being felled in St. Helier and tried to contact the department in St. Helier's Parish to deal with it, but they had already gone home. It was quite late in the afternoon. I managed to get in touch with the people in the Environment Department, and they immediately initiated an investigation in respect of the safeguarding of the trees. It is something that I have thought - perhaps the Constable can relate this to the panel when he speaks with them - that if we are required to license people to deal with seagulls' nests, then perhaps we should require people to be licensed in respect of what they are cutting down in respect of wildlife habitats, amenity value and trees that really should be protected. The proposition speaks about the investigation of the effectiveness of the planning process and the related decision to grant planning permission and subsequent decisions taken by or on behalf of the Minister for Planning and Environment in relation to securing adequate protection of trees on the site. It was the felling of the trees on the site that caused a lot of people a lot of concern. I am addressing that part of the proposition when I am speaking about this. To finish off, Sir, in summation, once again I think most Members will be able to endorse the people who have been put forward as they have been requested to give of their time and effort and their experiences. I think it is a great way for this Island to hold its head up high when people do come forward to serve in these inquiries and give to the community of their time and experience.

6.1.2 The Deputy of St. John:

Committees of Inquiry always worry me in terms of what they might cost, particularly when you have a banker, a lawyer and a property developer involved, but I am sure they will do a great job. I think somebody just said to me: "To catch a thief, you set a trap with people like that." So I do think they will do a great job. However, I would like the Constable to clarify as to whether his financial and manpower implications are terribly accurate and what exactly those funds will cover. It does say that it covers executive and administrative support. Is that what it is covering or are your members of the panel being paid as well? I would like to know what the funds are allocated for and whether you are confident that, even with the overspend that you have allowed for, £15,000 which is underwritten by the department, is going to be sufficient. We have seen other cases whereby this has run way, way, way beyond that. This could be quite a complicated case and I do think it is rather conservative. I would like some clarification of that. Thank you, Sir.

6.1.3 Deputy G.C.L. Baudains:

I wonder if the Constable in his summing up could advise me on how many occasions the Chairman has taken on a review of planning issues. I am slightly concerned that the person may have done a number of issues relating to planning and therefore may not be quite as independent as one would normally expect.

6.1.4 Deputy R.G. Le Hérissier:

Just 2 points. I think the Deputy of St. John perhaps inadvertently cast quite unwarranted aspersions upon the people. They are giving their services for free. That has always been the condition.

The Deputy of St. John:

That certainly was not my intention.

Deputy R.G. Le Hérissier:

Certainly to use a phrase like “catch a thief” and then leave the phrase unfinished does lead to a very worrying conclusion, Sir, and hopefully he did not intend it. The second thing is, Sir, and again I think it was inadvertent, Deputy Le Claire cast again aspersions on the tree fellers and they had no role in this. I think they are very well qualified people in terms of health and safety and so forth, but I do not quite see how they have entered the hallowed hall, so to speak, of the people to blame. I think that again was very unfortunate, but I am sure it was inadvertent.

The Bailiff:

I call upon the Connétable to reply.

6.1.5 The Connétable of St. Lawrence:

First of all, I can confirm that all 3 proposed members have been invited and quite willingly have offered their services free of charge. The Chairman certainly is fully aware of the budget that was agreed, in fact, in the original proposition. Thank you to Deputy Le Claire for his comments and support. Certainly the tree issue is one that now specifically, if we approve it, will be in terms of reference. Of course it is related to the site rather than in general, but nevertheless I think covers the points he was making. The Deputy of St. John, I think I have covered that. He was concerned about costs and the budget. Deputy Baudains asked about the Chairman’s involvement in planning issues. I cannot honestly answer that categorically. I know the proposed chairman was, in fact, involved in the Trinity landfill investigation. I am not aware of any others personally, but I have not asked that question. I was relying more on the planning aspects from the third candidate and also the funding and planning, if you like, from the second candidate. The proposed chairman has a legal background and has also the experience of working within the States and knows the procedures. I would also like to thank Deputy Le Hérissier for his comments and support. On that basis, I would like to maintain the proposition. I will call the appel.

The Bailiff:

The appel, yes. I ask any Member who wishes to vote to return to his or her seat. It sounded as if the milkman had come in, Deputy. **[Laughter]** I ask the Greffier to open the voting for or against the proposition of the Constable of St. Lawrence.

POUR: 33

CONTRE: 4

ABSTAIN: 1

Senator L. Norman

Deputy J.J. Huet (H)

Deputy G.C.L. Baudains
(C)

Senator T.A. Le Sueur

Deputy C.J. Scott Warren
(S)

Senator P.F. Routier	Deputy G.W.J. de Faye (H)
Senator T.J. Le Main	Deputy I.J. Gorst (C)
Senator J.L. Perchard	
Connétable of St. Ouen	
Connétable of St. Mary	
Connétable of St. Clement	
Connétable of St. Lawrence	
Connétable of Grouville	
Connétable of St. Brelade	
Connétable of St. Martin	
Connétable of St. John	
Deputy R.C. Duhamel (S)	
Deputy A. Breckon (S)	
Deputy of St. Martin	
Deputy P.N. Troy (B)	
Deputy R.G. Le Hérissier (S)	
Deputy J.A. Martin (H)	
Deputy G.P. Southern (H)	
Deputy S.C. Ferguson (B)	
Deputy of St. Ouen	
Deputy P.J.D. Ryan (H)	
Deputy of St. Peter	
Deputy J.A. Hilton (H)	
Deputy P.V.F. Le Claire (H)	
Deputy J.A.N. Le Fondré (L)	

Deputy D.W. Mezbourian
(L)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy of St. Mary

The Bailiff:

Well, that, I think, completes the matters of public business. Mr. Chairman?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS (...continued)

7. The Connétable of St. Clement (Chairman of the Privileges and Procedures Committee):

The Assembly agreed this morning to meet on 16th July to start to deal with the Public Business which is quite voluminous. Unfortunately I have been advised, and I think I need guidance from you on this, that only 3 propositions can be considered on that date because the others are inside their lodging period. There is a major item which is P.6, but the Minister for Housing has indicated that he would prefer to debate that on 17th July. That only leaves 2 I think relatively minor issues, P.71 and P.72. The other items can be debated if Standing Orders are suspended. I wonder, Sir, whether it would be appropriate to suspend Standing Orders in making the proposition also to include in the proposition that I, as Chairman of Privileges and Procedures Committee, consult with the Greffier and the proposers of the propositions to come to some arrangement for a proper order of business for that day. I need your guidance on that.

The Bailiff:

Well, I wonder, President, if we could hear from the Housing Minister as to why precisely the matter of P.6 ought not to be debated on the 16th.

7.1 Senator T.J. Le Main:

Yes, Sir, because I intend that weekend to have further consultation and invitation to all Members to come and meet with me at home because I shall be sending out after tomorrow some further paperwork and issues in relation to the Scrutiny Panel report and also to the need for sheltered housing. I would require that weekend, Sir, to work with Members to give them a further opportunity to come and visit me at home for a cup of coffee and a bacon roll ... **[Laughter]** So it is important. I have now programmed all that and, in fact, we are meeting tomorrow morning, my Assistant Minister and I.

The Bailiff:

I am not clear how that prevents the States from dealing with it on the Monday. If the States are meeting on the Monday, the...

Senator T.J. Le Main:

Well, Sir, I intend over the weekend to collate, and I have some work to do, the issues in relation to any Members wishing to see me that weekend. This Assembly agreed that it would be on the 17th, first item of business, and I would maintain that; that it is important that I be given the opportunity to work right to the last minute over that weekend because, as I say, we have had several Connétables in particular who have been requesting certain information, all that information and the responses to the Scrutiny Panel. You must give me time; it is an important issue.

7.2 Senator L. Norman:

I think that is totally unreasonable. Totally unreasonable. The Minister was ready and demanding that this proposition be debated 3 or 4 weeks ago. It is totally disrespectful to this House and the amount of business that we have before us. If the Minister is not prepared to go ahead on the Monday, which is clearly the most convenient time for this House, then I would like to propose that the matter be deferred until the next session. It is appalling that the States should be treated in this way by the Minister.

7.3 Deputy C.J. Scott Warren:

I am not sure, but maybe the Minister can clarify when Deputy Power is back because it was delayed for him.

Senator T.J. Le Main:

Yes, Sir, Deputy Power made it quite clear that he would not be here and he would be available on the 17th and I know that the Chief Minister has also said he could not be here on the 10th and he would be prepared for the 17th as well. Quite honestly, I cannot see what the problem is and I cannot see what the issue is to say that I am being disrespectful. I am asking that the Assembly take it on the 17th and it will assist me and I hope it will assist all Members in being able to present my case in an acceptable manner. I do not mind if it is going to be one of the last items on the agenda on the 17th, but please allow me time to get my thoughts together over that weekend and present my case because it has changed. It has been on a changing basis because I have tried to react to the requirements and the requests which are very important about sheltered housing for the Connétables. I have that ready now, a robust defence on figures and what have you.

7.4 Senator P.F.C. Ozouf:

I would like to be helpful, if I may. I am quite prepared, if the States would be willing to lift Standing Orders, for the price marking thing to be taken first thing on the Monday. It is a big issue. It has to be dealt with, and I am perfectly happy to be prepared for that item. I am very keen for the Assembly to indicate their views. I am happy for that to be the first item.

The Bailiff:

I wonder whether Members might agree if some Member is prepared to propose that Standing Orders be suspended in relation to P.76 and also the propositions of Deputy Southern, P.45 and P.73, if Deputy Southern is willing, so that all these matters can be dealt with on the Monday.

7.5 Deputy P.V.F. Le Claire:

I would like to propose that Standing Orders are lifted on those then, Sir, if that helps.

The Bailiff:

Well, let me just hear what Deputy Southern has to say on that.

7.6 Deputy G.P. Southern:

If I may, I was going to suggest and I did suggest to the Greffier that, in fact, I am not insisting that we take school milk, especially in the light of an amendment. I do not see why it should not be debated in the context of a business plan in September and we could take it off the agenda and move it to September, providing I get it fairly early in September.

The Bailiff:

Suspending Standing Orders for P.73, registration of political parties? Could that be dealt with on the Monday?

Deputy G.P. Southern:

It could certainly be dealt with on the Monday and I would be happy to, Sir.

The Bailiff:

Deputy Le Claire, you are willing to propose that Standing Orders be suspended to enable P.73 and P.76 to be dealt with on the Monday?

Deputy P.V.F. Le Claire:

Yes, please, Sir.

The Bailiff:

Is that seconded? [Seconded]

7.7 Deputy P.J.D. Ryan of St. Helier:

In relation to P.76, Draft and Price Charge Indicators, Corporate Services Scrutiny Panel have been giving some close consideration to this for a number of weeks, and it is unfortunate, Sir, that we have not lodged an amendment. It appears that we are slightly out of date or out of time, particularly if this is brought forward to that Monday, the 16th. Our amendment we are still working on. I would like your guidance, Sir, as to whether the amendment would be ruled out of order anyway. We have not yet brought it before you, Sir, but we are working on it as we speak.

Deputy G.W.J. de Faye:

On a point of order, if Standing Orders are suspended, then there would seem to be no particular problem on that.

Deputy P.J.D. Ryan:

Well, that is what I am seeking clarification on.

The Bailiff:

Well, Standing Orders require, as Members probably know, that any amendment be lodged for a period of 2 weeks. My understanding is the amendment is not yet ready to be considered or lodged. I think it must be a matter for Members at the appropriate time to decide whether they are prepared to take the amendment or to take some other action in relation to the proposition as a whole. I think that can be left until the relevant day.

7.8 Deputy I.J. Gorst:

I am quite surprised by the turn of events today. It seems to me if we are prepared to lift Standing Orders to bring the business forward from the 17th to the 16th, it is somewhat irrational that we should not be bringing it forward to the 10th or the 11th. We are going to be left on the final week with 5 days' worth of business, and in the middle that we are in now

after only 2 days of business is anything to go by, I hate to think where we will be at the end of the fifth day, Sir.

7.9 Deputy J.A. Martin:

Obviously I probably will not be in the debate on P.6, but I think I can comment that I really do not understand, reading both the Scrutiny Report and the plan, what relevance the debate on sheltered housing has to that.

The Bailiff:

Deputy, I am sorry, but that is not in point at the moment.

Deputy J.A. Martin:

Okay. Well then, another suggestion. We are moving Standing Orders, Sir, and I am concerned that we have put away a week, Sir, and on Monday we may not have enough to do. Would it not be simple, Sir, to have Monday as the first day of the sitting and let us move the deadline for questions to the Wednesday at 12.00 p.m. and the written questions to...

The Bailiff:

Deputy, I am sorry, but that is complicating matters considerably.

Deputy J.A. Martin:

I think it is making it quite easy, Sir, and I really think it is as plain as the nose on my face, Sir. Just move written questions and the other questions and we start Monday as the ordinary day.

The Bailiff:

The proposition before the Assembly at the moment is that of Deputy Le Claire to lift Standing Orders on P.73 and P.76.

7.10 Senator T.A. Le Sueur:

The principle of lifting Standing Orders for one day strikes me as not being unreasonable so long as the proposition is already on this list. To do it one day earlier is consistent with the decision we made this morning to sit on the Monday as well. It strikes me that if we try to select at this stage which ones should be suspended, we will probably get ourselves in more bother than is necessary. I would suggest it would have been simpler to have agreed in principle to suspend Standing Orders in respect of all propositions which have been lodged for the minimum period at this stage today, and then, when the debate starts on the Monday with those items which need the particular Standing Order lifted, to do it then. It may be that some items do not require the Standing Order to be lifted. We do not debate until the Tuesday, but at that stage, to try to pick out one or the other strikes me as being more bother than it is worth.

The Bailiff:

Well, that is a legitimate point of view, Senator. I hope all Members have in front of them the list of propositions down for debate on the 17th and/or 16th and there is a column which shows where technically if the Standing Orders need to be lifted in order to enable those particular propositions to be debated on the 16th. If you want to propose an amendment to Deputy Le Claire's amendment to lift Standing Orders in relation to all the propositions on the list which require Standing Orders to be suspended...

Senator T.A. Le Sueur:

That would probably be simpler, Sir, and I make that proposition formally.

The Bailiff:

Seconded? [**Seconded**] All right. Deputy Le Claire, you do not wish to respond to that, do you?

Deputy P.V.F. Le Claire:

No, Sir. It seems to be the will of the House.

The Bailiff:

Very well. I put the amended proposition that Standing Orders be suspended in relation to all those propositions on the list of Items of Public Business for debate on 17th July so that they can be debated on 16th July. Those Members in favour? Against? The proposition is carried. Now, that leaves open the question of what should be debated first on the 16th.

7.11 Senator P.F.C. Ozouf:

I want it to get recorded in *Hansard* that I had agreed with 3 things that Deputy Southern had said. [**Laughter**] Now he has, I think, withdrawn, have we agreed for school milk to be deferred? That has now been agreed?

The Bailiff:

School milk is deferred, yes.

Senator P.F.C. Ozouf:

Secondly, Sir, may I ask for the price charges, P.76, to be at the top of the list as the first decision?

The Bailiff:

Well, are Members prepared to take P.76 first and then to allow matters to unroll as it goes?

7.12 The Connétable of St. Peter:

Having made that decision, does it follow that we will commence the Monday morning in the normal way, normal sitting, we will deal with questions and everything...

The Bailiff:

No, it does not. No, I am going to come on to that. We are talking about Public Business at the moment.

The Connétable of St. Peter:

It strikes me it would be a far tidier way...

The Bailiff:

No, the Greffier has made it very clear to me that considerable procedural difficulties would be caused for him and his staff if all the deadlines and usual timescales were to be altered to enable questions to be taken on the Monday. So the proposal is that we move straight into Public Business on 16th July and that when we resume on 17th July at a convenient time but probably after the conclusion of the debate which is in train, if there is a debate in train, then the ordinary business of the Assembly should take place.

7.13 Deputy P.V.F. Le Claire:

Not wishing to confuse matters, Sir, I know that there has been some discussion about whether or not people want to debate P.86 of Senator Perchard's referendum proposition. I

wondered whether or not he could just give an indication as to whether or not he would be able to put that back until the second session or whether or not it is that urgent. Is it time critical that we have a debate about a 4-option referendum in this week of business?

The Bailiff:

Do you want to deal with that now, Senator, or not?

7.14 Senator J.L. Perchard:

Yes, Sir, I was about to bring it up. I think my proposition Composition of the States' Referendum, P.86, is intrinsically linked to the P.P.C.'s own proposition and the 3 amendments that follow it, P.75. I would be happy to suggest to the House that P.75 and its amendments and P.86 be deferred to the autumn. I am not prepared just to pull my own proposition as it is a serious option and alternative to P.75.

The Bailiff:

It seems to me that is another separate issue. I wonder whether that could be left over until 16th July or 17th July.

Senator J.L. Perchard:

It could be, Sir. One question I would ask the Assembly is that P.86, if it is to be debated on the 16th, 17th, 18th, or in fact 19th, that it is debated immediately after P.75.

The Bailiff:

Are Members prepared to agree that Senator Perchard's proposition be put immediately after P.75 so that the Assembly can then decide whether it wishes to take that and other items and that debate can be had at that time? Very well.

7.15 Deputy G.P. Southern:

Can I ask for a solution on the problem of the housing debate? It seems to me, at the moment, we are not debating the housing debate on the Monday because the Minister says he is not ready. We need to resolve this.

The Bailiff:

No, I do not think it is necessary. The housing debate will follow on at the appropriate time from the debate which is going to be proposed by Senator Ozouf.

7.16 Senator P.F.C. Ozouf:

I think, Sir, there are 2 things that I would like to propose. I think the mood of the Assembly should be tested on whether or not there is an appetite of debating at the sitting of the 17th or thereabouts P.75 and the rest of it. There is a view of the Assembly that this should be put off until the autumn and I think rather than leaving it to the beginning of the sitting on the 17th that we should make a decision, giving people certainty. So I think we are not going to do it justice. I think it is an absolute nightmare to discuss all of this in this contracted period of time and I would like to propose, please, Sir, that P.75 and all of the related matters be deferred until the autumn session. That is P.75, P.86, and P.54. I just do not believe that we are going to do it justice and I think we need to be realistic. **[Seconded]**

7.17 The Connétable of St. Clement:

I think it has already been pointed out to Members, I think in an email from the Treasury Minister, that the autumn is already pretty full. This will only add to it. Plus, the fact is, if we

want to move ahead, if we want to do something, to start doing something by 2008, we need to do it this month and not in the autumn. So I ask Members to not defer this issue yet again.

7.18 Deputy A. Breckon of St. Saviour:

My question is, if this is deferred until after the summer break, then it will not happen at the next election. Whether that is a spoiling tactic, it is a question, I think, that has to be answered.

Senator P.F.C. Ozouf:

All I can say, Sir, is that we all know that the autumn session is busy. We are going to have to agree, and P.P.C. and the Chairman of the P.P.C. is responsible for addressing this Assembly on matters of Public Business. He is proposing, effectively, an order paper which just simply cannot be dealt with properly. What he should be doing, I think, with respect, is putting forward additional sittings in September/October so that we take it properly, not 5 or 6 days in a row. If that means every week sitting for 2 or 3 days, we should do it. But we should not be sitting for 5 or 6 days in an unrealistic programme. So I do not believe a vote in favour of putting this off until the autumn is a vote to duck the issue. It is a vote in favour of doing a proper structured approach in September and I would urge Members to support the proposition and bring forward and ask the P.P.C. President to bring forward additional sittings in an orderly manner, that we may deal with issues properly. I put the matter to the vote, Sir.

The Bailiff:

Yes, the appel has been called for. The vote is for or against the proposition of Senator Ozouf that P.75 and other associated matters relating to the Composition of the State to be deferred from the...

Deputy J.A. Hilton of St. Helier:

Before we take the vote, can I just seek clarification that the President is telling Members that if we do not debate this in July, that it cannot be in place for the elections in 2008, is that correct?

The Connétable of St. Clement:

That is correct.

Senator P.F.C. Ozouf:

But that needs to be justified, surely.

The Greffier of the States (in the Chair):

Well, the Chairman has given the States his view, Senator. Members must take a view on that. I ask the Greffier to open the voting for or against the proposition of Senator Ozouf. All Members who wish to do so, cast their votes. Accordingly, the matter will remain on the order paper for the next meeting.

POUR: 10

CONTRE: 30

ABSTAIN: 0

Senator P.F.C. Ozouf

Senator L. Norman

Senator J.L. Perchard	Senator T.A. Le Sueur
Connétable of St. Mary	Senator P.F. Routier
Connétable of St. Lawrence	Senator T.J. Le Main
Connétable of Grouville	Connétable of St. Ouen
Connétable of St. Brelade	Connétable of St. Peter
Connétable of St. John	Connétable of St. Clement
Deputy G.W.J. de Faye (H)	Connétable of St. Martin
Deputy D.W. Mezbourian (L)	Deputy R.C. Duhamel (S)
Deputy of St. John	Deputy A. Breckon (S)
	Deputy J.J. Huet (H)
	Deputy of St. Martin
	Deputy G.C.L. Baudains (C)
	Deputy P.N. Troy (B)
	Deputy C.J. Scott Warren (S)
	Deputy R.G. Le Hérissier (S)
	Deputy J.A. Martin (H)
	Deputy G.P. Southern (H)
	Deputy S.C. Ferguson (B)
	Deputy of St. Ouen
	Deputy P.J.D. Ryan (H)
	Deputy of St. Peter
	Deputy J.A. Hilton (H)
	Deputy P.V.F. Le Claire (H)
	Deputy J.A.N. Le Fondré

(L)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. Mary

The Connétable of St. Peter:

Can I make a cri de coeur to the P.P.C.? Surely, Sir, there must be a better way of organising our business than this shambles which we have at the end of each meeting. Anybody listening to this must think: “Well, if they cannot organise their programme, how on earth can they organise Jersey’s life?”

Deputy P.N. Troy:

It used to be a shambles in the beginning of the session, Sir, but I think the P.P.C. Chairman is doing his best with a rather large programme, and I for one feel that we should deal with these issues at the end of the session, not at the beginning.

Deputy J.A. Martin:

My question was to you, Sir, and I think agreeing with the Constable of St. Peter, I thought we were in danger at one point of putting away a week’s work and having nothing to debate at all, but we have full business. We are told, and I have a problem with, starting business as normal on Monday, we could even be here until, say, 6.00 p.m. in the middle of a very good debate and have to leave off, and then come back on Tuesday morning and start question time. What I am saying to you, Sir, is we have this every Bank Holiday; deadlines are moved 24 hours forward for both written and oral questions. I am asking you, Sir, as Greffier, would it really be that much work that we start a normal States sitting as normal on the Monday and then it flows all the way through? I think that would be a much more orderly fashion. So I would like to put that proposition, if that is okay. Well, after listening to your answer, Sir.

The Greffier of the States (in the Chair):

I will respond, Deputy. I was in the anteroom and did hear the Bailiff refer to difficulties with the States’ Greffe. I am sure he did that in good faith. I think the intention I had of expressing it to him was that difficulties may arise more for the ministerial departments and Ministers who normally spend a Monday preparing questions. That may not be an issue if Ministers are in the Assembly anyway. I do not think the difficulties for the Greffe are particularly apparent. I was aware, for example, that written answers would have to be in on the Friday and, of course, normally I know some departments and Chief Officers will spend their weekend preparing answers and that would not be available. But it is not insurmountable; I am sure you are right, Deputy. Do you wish to formally make that proposal?

Deputy J.A. Martin:

I formally wish to make that proposal, yes, Sir, thank you.

The Greffier of the States (in the Chair):

Is that seconded? **[Seconded]** Well, Deputy Martin has proposed that in fact the deadlines for oral and written questions are brought forward and the meeting starts with questions on the Monday, the 16th. Those in favour, kindly show. Those against? Yes, the proposition is adopted and accordingly we will notify all those who need to be notified that that will be the...

Deputy G.W.J. de Faye:

Just on a point of information, there is a possibility that this could throw elements of the system, so Members should be aware that those who wish to pose questions may not necessarily get the answers on the Monday.

The Greffier of the States (in the Chair):

Are there any other matters that Members wish to raise on the arrangements of business?

Senator J.L. Perchard:

Yes, Sir. I did ask the previous Chair if the House would be prepared to take P.86 straight after P.75. We then became sidetracked and I make the request again, Sir.

The Greffier of the States (in the Chair):

I understood that had been agreed. If there are no other matters Members wish to raise, the Assembly meeting is closed. Assembly will reconvene on Monday, 16th July at 9.30 a.m.

ADJOURNMENT