

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 23rd SEPTEMBER 2020

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to Members

Could I begin by welcoming the second phalanx of Members back into the Chamber on this the second day of our hybrid States sitting. Members will have noted from yesterday and today that we are still feeling our way along in terms of connections and things of that nature. I am grateful that Members are bearing with us, but this is an important symbolic gesture to have Members back into the Chamber, I am sure that it will become easier as time progresses.

[9:45]

PUBLIC BUSINESS – resumption

2. Senators and Deputies: removal of citizenship requirement (P.75/2020) - as amended - resumption

The Bailiff:

We now resume Public Business, which is the debate on Deputy Tadier's Proposition relating to removal of citizenship requirements for Senators and Deputies. The last person who I noted wished to speak was Deputy Ward.

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

It has been an interesting debate so far and it is nice to start a new day. I hope I can do so by explaining the positives that we could achieve today. I remind you all that we achieved membership of the Assembly via the ballot box. That is the key test to our presence here. A lot has been said about the U.K. (United Kingdom) nationality test but I question how much relevance it has to Jersey and the nuances and specificity of our Island. Indeed, when we are elected, we show our allegiance to the Crown as part of the process of being in the Assembly, not to the British Parliament. I moved to the Island just over 20 years ago. I do not feel that my commitment to the Island should be questioned. I committed to bringing my family out here, buying a home, paying tax and working in, with my wife, the public service. My citizenship enabled me to do this without question but is not the reason for doing so. Those reasons are more complex and common across citizens of all countries. I can do nothing about those who feel I may not be Jersey enough, and those citizens of other countries who have made their lives here, work in the economy, pay their tax and contribute to the richness and cultural beauty of this Island can do nothing either. But to those who question this I urge you to think again. Any opportunity we miss to have the quality candidates weakens our democratic structure to exclude those who can settle in a foreign land and be successful seems to be at best wasteful. We should be embracing talent and I cannot see how that talent is enhanced by the British citizenship test. As already mentioned, this Assembly does not represent the makeup of the society it is meant to represent. There have been several red herring arguments. The issue of language is one. Yesterday's discussion in French highlighted that we have official languages; the rules are set. There have also been the usual but somewhat vitriolic arguments harking back to our glorious past, attempts to rewrite history or Farage-esque assaults on the P.C. (politically correct) brigade. To me these arguments are simplifications and reductionist in their nature. They do nothing for the Assembly, the quality of debate, or to engage those who do not engage in our democracy now. It is interesting and refreshingly honest to hear Senator Gorst explaining why he can support this Proposition now, even though an association has been made to Reform. I thank him for his intelligent approach to an issue. We agree to differ on our politics, but this issue transcends political lines. His point about us being a Crown Dependency, the challenges we face from Brexit, and the need to face outward to the world, those points are well made. I am fearful that yet again Members of the Assembly are forcefully reasoning their way out of a progressive step that could be so beneficial for our Island. This happens too often. I would suggest it is in these actions that so many are deterred

from engaging in political discourse. I urge Members to cast their intellect wide on this debate and avoid no arguments that effectively miss the point. What is the point that needs to be considered here? I ask this question: do you need to be a British citizen to have the integrity needed to represent your constituents, to understand the real issues Islanders face of housing, finance, education, health, taxation, and so many more, to demonstrate the level of professionalism required of a States Member to keep up with the workload or represent the Island in other places, or to serve the community represent with care and passion? To me the answer is no. This is about other qualities. Those of the humanity all politicians should have and proudly represent. This is a debate about who we allow to stand before the people of Jersey in the election. That is the primary and only challenge that counts. The more we limit this, the more we limit our democracy. The Proposition, as amended, is not perfect but if it is perfection you seek, good luck in any system. This is a step forward and it sends the right message at the right time and for the right reasons. Please support the Proposition as amended.

The Bailiff:

Deputy Wickenden has asked for a point of clarification. Deputy Wickenden, what is your point of clarification?

Deputy S.M. Wickenden of St. Helier:

I would just like to ask the previous speaker, he said in his speech that it was nice to hear from Senator Gorst, which was refreshingly honest. Is he trying to say that normally Senator Gorst is not honest?

Deputy R.J. Ward:

No, I do not think the Deputy has understood the words. I will explain them to him in a simpler form. It will help. I am saying it is refreshingly honest that Senator Gorst can accept something from Reform without the usual opposition and accept it and explain it in that way. So, I thank him for that. I hope that helps.

2.1.1 Senator J.A.N. Le Fondré:

I will try and keep it as short as I can. I am afraid I will not be supporting the Proposition. I think it has been a good debate. I had some sympathies with some of the comments, for example, from the Connétable of St. Peter about the wide range of individuals contributing to our society. I was listening with great interest to both the speeches of Deputy Gardiner and Deputy Guida who are, if anything, exemplars of the system as it presently works. For me, let us stand back from this. No matter where our views are and no matter sometimes what the public think of us, representing the Island in this Assembly is an honour. It is also hard work, and that is not to denigrate anybody who might want to be coming in or anything along those lines, but we know that the public outside, and that is something I believe both the Greffe and the chairman of P.P.C. (Privileges and Procedures Committee) are seeking to address when ultimately we come out of the pandemic side of things about what we do in communicating that to the public. But it is also because it is a higher level of responsibility of the importance of the decisions we take, for me taking on British citizenship, if people want to represent the Island who are not normally naturalised citizens of the Island, if that is the right expression, does show that commitment that they want to take. People need to know Jersey to understand Jersey, in my view, when they represent the people of Jersey in this Assembly and also internationally. But I think also what I found interesting, and particularly from the schedule that Deputy Maçon has just sent round, but also from some early research we have done, I will just pick some significant countries. So, in France a candidate must have French citizenship. Ireland, candidates, if they want to become part of the T.D. (Teachta Dála), must be an Irish citizen. The United States requires a member of the House be at least 25 years old and have been a US citizen for at least 7 years. Australia, House of Representatives must be an Australian citizen. That is some of the information I have. I think there is a recognition generally in jurisdictions, not across the board but generally in many jurisdictions, that to represent the people of the state or the Island or the nation that you are in, in the

Assembly, in the Parliament, you should be a citizen of that country. In our case that means being a British citizen, which is what is laid down. Just to pick on certain details within the actual Proposition. I have to say it would not be unlikely to change my stance in any case. But it does reinforce my views for not supporting this, which is one we have identified, so somebody with a Canadian passport could stand in the Assembly but somebody with an American passport could not, and that does not seem right in the detail. Part (c), which initially I thought was attractive, that somebody who is Jersey born could have left within a year because their family has taken them away, has no further connection with the Island and then under those rules would come back within a ... there would be no requirement to be an ordinary resident of Jersey for a set period of time prior to the election day. There are some details in this but, as a general principle, I think, as a British Crown Dependency, it is incredibly important that Members who are representing Islanders in this Assembly should be British citizens. On that note, I will not be supporting the Proposition.

The Bailiff:

The Attorney General has indicated that he is ready to answer the questions that were left with him overnight.

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

Deputy Tadier asked me a question about whether there was any effect on extradition for, for example, financial crime if a person had dual citizenship. This was in the context of countries which would not allow extradition of their own citizens. My answer to that is in general terms, no, it would not have an effect because if a particular country has laws against extradition of its own citizens, then that would also apply to persons who hold dual citizenship. But that is subject to 2 qualifying points, which I should raise. The first is that some countries do not allow dual citizenship. There are examples in the E.U. (European Union) and in the Commonwealth. For example, an E.U. country would be Austria, or a Commonwealth country is India. They do not allow dual citizenship so it is possible that those countries may require a person to revoke their second citizenship. Then the second qualification is that countries often have their own particular arrangements as regards the countries to whom their extradition laws apply to, so the countries to which they will extradite persons, even if they do allow extradition of their own nationals. So, this will result in a wide variety of arrangements. The question that Deputy Tadier raised is quite a wide one and I think that it would really depend on the specific countries, the specific crimes that are involved in any future situation. So that was my answer to Deputy Tadier's question. The second question that was left from yesterday, was a question that was asked by Deputy Higgins in relation to what is Article 6 of Protocol 3 to the Treaty of Accession of the U.K. to what was then the European Community. Article 6 is the provision that effectively limits the rights of a Crown Dependency person; so Jersey, Guernsey and Isle of Man persons who hold citizenship of Britain by virtue of the fact that they are persons in Jersey, Guernsey and the Isle of Man but they were not either born themselves in the U.K. or they did not have a parent or a grandparent who was born in the U.K. The Deputy's question was concerned with the reason for that particular restriction and it simply boiled down to an interplay between bargains struck in relation to rights of establishment, and those rights of establishment are in Article 2 of Protocol 3. So, a U.K. subject or citizen would have rights of establishment. They could go and work and live in an E.C. (European Community) country, or now E.U. country, without restriction by virtue of the U.K.'s entry to what was then the European Community. But there was a restriction on that right in relation to persons from the Crown Dependency because we, as a Crown Dependency, did not want to become members of the E.U. We wished to remain apart although we did wish to be allowed to trade in agricultural products.

[10:00]

The limitation in Article 6 was a result of the bargain that was struck, so the interplay between our wish not to be members of the European Community but still wishing to have some rights in relation

to, for example, agricultural products but then a corresponding desire on the part of the European Community to limit rights of establishment as regards Crown Dependency persons who were not able to demonstrate parentage or a grandparent who was born in the United Kingdom. That is my answer to Deputy Higgins' question. I would add that obviously the restriction in Article 6 would be due to fall away at the end of this year, along with the remainder of Protocol 3.

2.1.2 Deputy M.R. Le Hegarat of St. Helier:

I am someone who comes from a background and ancestry which is pretty much Jersey through and through, and I can trace my ancestors back to France, somewhere beyond my grandparents. I am someone with a passport that says I cannot work in the E.U. I have that stamp and at times it has angered me. However, I also have spent many of my working life looking and making sure that equality and diversity for all was essential. That has been my way forward all through my working life and at times it has been an exceptional challenge in order to get that equality. It is important and while I was in the police I can say that some of the rules did change whereby I recall that somebody from the Republic of Ireland was able to join the police and stood in the court and was accepted. Also, while in my time there, I saw a large number of E.U. nationals and others from far afield, from New Zealand, Australia, South Africa, Romania, Poland, *et cetera*. So, I worked alongside individuals who had come to Jersey and were prepared to look after us from the point of view of being police officers. I can also say, when I first joined the police some many years, ago, in fact 1989, that some of the people that provided services, for example, some of our translators, had been in Jersey for longer than I had been born. So, some of our Portuguese community had been here beyond my working life and beyond my birth. Those individuals were very committed to this Island. They were very committed to the service that they provided us and that was, to me, invaluable. They have always been exceptionally supportive towards me regardless of what I have done. So, for me, this is very much about diversity and equality of all. I would have preferred it not to be amended and I probably will not vote for part (a) because for me it should be about the same as if you want to join the police or you want to join the civil service the 5-year rule. I think that means that you have committed yourself and your family to being in Jersey. So for me that is the right thing to do, to change it, in order that we are able to encourage those from other communities that have come to spend their lives in Jersey and give them the opportunity to stand for election. As it is quite clear that it is the public of the Island that will decide whether they want me, as someone that is born, entrenched in Jersey history, or someone that has come from Europe that has only been in Jersey for 5, 10 or 15 years. They will make those decisions. It is right that they select the person who they think, as residents of this Island, who is the right person to represent them. I do feel that this Assembly could do with a bit more diversity, both gender and every other aspect of it. I think the thing is, this is a way forward to maybe encouraging that. I cannot say whether that will make a difference at the next ballot box or not. Whether somebody from a different country, whether they are British or not, stands for election. You cannot say because we do not know. I know much has been said about whether somebody can or cannot be extradited if some fraud or whatever is committed, but I will leave you with one point. We are all regarded as politically exposed persons, purely by what we do for a living. So therefore, any of us would be probably closer looked at if we started to invest our money in finance houses, which have been got by ill-gotten gains. Also, it does not mean that because I am a British citizen that I would not have done that, maybe taken the money and run. Because I can run anywhere in the world. It does not necessarily mean that because I am a British citizen you will be able to get me back any time soon to be able to prosecute me for that offence. Let us not confuse matters and let us stick with the point in order. From my perspective, I want equality. That is what I fought for all of my working life and I believe that is the right thing to do. For me, part (b) is good and I will vote for part (c). I do not like part (a) because I think we do exclude people and I do believe that it should be equality for all.

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

Thank you for allowing me to speak after my very long question to the A.G. (Attorney General) yesterday. I do not really have too much to add because that was an excellent speech there from Deputy Le Hegarat. I was prompted to speak; I had spoken to Deputy Tadier earlier this morning and said I was going to support (a) and (b). Now this has been here twice before. The first time I supported the Deputy and the last time I did not. This was one of those debates I really came in with an open mind and listened and I have heard some excellent reasons why I should support this time. One was only just a few minutes ago, when our Chief Minister spoke, and his words were to represent Jersey you have to understand Jersey. I understand Jersey, even being here 35 years, Deputy Ward said 20. I know people with parents of different nationalities. They are Jersey born but they have still got a different surname. They look at Jersey differently, but they understand it differently as well. When you look around this Chamber you do not see that representation at all. You really do not. Deputy Gardiner yesterday, she made a fantastic speech about the change in your citizenship and the emotion it is. She was still open-minded. I listened to Deputy Gardiner because she did change her citizenship. But I do not think that makes Deputy Gardiner or Deputy Guida, for that matter, any better representative but because they do bring excellent qualities and knowledge of living in a different place. I understand what Deputy Le Hegarat said; part (a) does not include enough people if you have done the 180 as I have done. I have done the 360 and now I have done the 180. I literally think it is a step in the right direction. We all talk the talk and when it comes down to walking the walk, we are suddenly running out the door. Sorry, you cannot keep welcoming people to Jersey and then say: "This is the test." Absolutely sound words of advice from Deputy Le Hegarat there a few minutes ago. There is good and bad in everybody. The ballot box is absolutely final, people will weed you out and nobody is going to come along and say: "I represent this nationality. You have to vote for me." It will be done at the ballot box. I literally think now today we have to do what we are saying. We all want to be more inclusive. We all want to say: "You are okay for this, but you cannot do that." We are not inclusive. Just look at gender and age. I did laugh at some of the countries. You have to be 40 and you would need to be retired by 65 or even 60 or I am off but there you go. I am going to support Deputy Tadier on (a) and (b). On (c), there is no commitment. A baby can be taken away from the Island but (d) does ask Privileges and Procedures to literally find a way for this to work. So, it is not a reform. I do not look at this as reform. If anybody thinks: "This is, definitely." It is the right thing to do. We need to make this place much more inclusive and people are passionate. We have 18,000 people who need to resettle in this Island who have not gone down and filled in an online form. They already think they are Jersey. They have quite got the hump that we have to make them do this. They have been here longer than a lot of us so, sorry, today is the day. Support Deputy Tadier. It is not reform. It is all about inclusion and being diverse and really mean what we say when we absolutely talk the talk. Thank you.

2.1.4 Connétable C.H. Taylor of St. John:

I am very much a believer in making commitments. If you are committed to Jersey and you wish to stand in our Government, then I think it is only right that you make the commitment to be a British citizen. I listened very carefully to both Deputy Guida and Deputy Gardiner and their truly excellent speeches. The issues that concern me is that, as a finance centre, we have, from the Finance Commission, countries that are declared as red, amber or green according to their financial status. If Members of our Assembly are from a red country, a country which the finance services say we should not have trade with, I find this very difficult to get my head around and we need to show some form of uniformity on this. If we say we cannot trade with that country, but your citizens can be in our Parliament, I struggle to understand the logic behind that. I would urge Members to think very carefully. If you wish to stand in any Government anywhere in the world, you need to be committed to that country and I think to ask to be a British citizen in order to stand in Jersey's Government is not too much to ask. One can always turn it around. If you do not want to be a British citizen and you do not want to change your citizenship, then how can you say: "I am committed to staying in Jersey and representing Jersey"? I urge Members please to reject this Proposition. Thank you.

2.1.5 Deputy R.E. Huelin of St. Peter:

I fully support my Constable in recognising our fantastic and hard-working Honoraries, many of whom have found their way to our shores and give of their time and skills to make our Island a far better place. However, there is a major distinction, and this is a theme across all of it. We, in the Assembly, make the laws and our dedicated Honoraries and many others within this Island action those laws. I hope we all listened as Deputy Gardiner ... and I know Deputy Martin said she was undecided in her speech. I felt the fact that she has twice taken citizenship of her adopted country gives a demonstration of a great commitment to what she is doing in choosing to live and bring up her family. This is a true commitment to our Island, and she is most welcome. I was fascinated by Deputy Lewis' question of raising national service. The A.G. gave many reasons why a citizen of another country would most likely not have to go home and do national service or go home to their original country. However, there are elements of doubt and in order to put this beyond all doubt, I accept it is a highly unlikely situation it appears a U.K. citizen with dual citizenship will not have to return to their country of origin and potentially fight against us. Now I was fascinated by the brilliant speech from Deputy Guida, who himself considered his position to become a U.K. citizen when settling in this Island. Now his real-life example of negotiating fishing rights on behalf of Jersey with his native France could leave him in a vulnerable position by attempting to represent Jersey's interests if he was not a U.K. citizen. Of all the other anecdotes we have had, that is a real example and we must consider that because that could go across many examples. He is also very popular. However, the only argument I appreciate and really do understand is the first point for some will be a hindrance and I accept that this needs to be looked at. When I initially read this Proposition, I was reminded of a quote from Martina Navratilova and, as you know and this is relevant, Ms. Navratilova left her native Czechoslovakia and took up U.S. (United States) citizenship. I quote: "The difference between involvement and commitment is like ham and eggs. The chicken is involved; the pig is committed." Is it not unreasonable to ask those wishing to represent Islanders in our Assembly to take citizenship as a way of proving commitment to our Island? Otherwise, they are merely just involved.

[10:15]

2.1.6 Senator S.W. Pallett:

There have been some excellent speeches yesterday and today and I am going to be brief because I think 2 speakers have very much given what I believe to be my views, and that is Deputy Le Hegarat and Deputy Martin. The one thing that concerns me is that we have, for many years now, talked about wanting a more diverse States Assembly. What really worries me is that we say it, but we do not commit to it. I have been supportive of making these types of changes for some time and I am really pleased that Deputy Tadier has brought this Proposition and those that have amended it have improved it. If we are really committed to ensuring that our Assembly is representative of our Island when we walk around the streets and walk around our different sectors of the economy and see where our workers come from from all parts of the world - Madeira, Poland, Portugal, Ireland and you can go on and on and on and on - is it not right that they have an opportunity to be represented within the States Assembly? I know the question around British citizenship has come up quite a bit but if we are going to persist in putting I think now unfair hurdles in place, then I think we are never going to have an Assembly that is truly representative of our Island, and I think we need to make a step in the right direction. I think if you have committed 5 years of your life to Jersey, you are committed to staying here and you want to represent not just your own community or your own ethnic background but the Island as a whole; why should you not be able to do that? I keep asking myself why would we not want people to come forward and stand in the States Assembly? The argument will be it will not be a British citizen but, for me, there is no necessity to do that. They are committed. The people I meet from all sorts of backgrounds are extremely committed and understand the Island. A couple of people have mentioned, including the Chief Minister: "Do they understand Jersey?" Some of the

friends I have are not Jersey born, have moved over here in recent years, understand Jersey extremely well, they know how it ticks and really are committed to the Island. So I would just urge Members to think very carefully, especially those that are thinking of rejecting this, about the message this is going to send out to the people that are working here, for those that might be considering putting their name forward or wanting to be part of our elected Assembly. What message does it send out? For me, if we do not accept this, it sends out the wrong message so I would just urge Members to think carefully before you vote this morning. I do want to see our Assembly much more representative. I want to look around it and see Jersey holistically within the Chamber. It is certainly not there at the moment. If that were to mean I could get elected next time around, then I would accept that because, for me, having a truly diverse Assembly has to be one of the things that, if I stand for election next time, will be central to any election promises I make next time because we do need to be more diverse. Thank you.

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

Whenever a Proposition goes over and through an adjournment overnight, for example, it is always good I think to remind ourselves about some of the speeches that were made yesterday. In particular, I would like to focus on an excellent speech by Deputy Doublet who reminded us of our overall commitment to increase diversity in our society and to promote inclusion. I think those 2 are keywords in this debate. I was surprised when I heard Deputy Gardiner, who I thought stood on the inclusive diversity platform, be so negative about what is before us today. What is before us today has been debated I do not know how many times, but 3 times in my memory, and this sort of debate, as Senator Gorst said yesterday, tends to bring out the best and the worst in us. I think, in the debate we have had, we have seen both of those 2 aspects. I thought for a minute that Senator Gorst was going to demonstrate the worst in himself when he started talking about the usual progressive policies and I think he used the word “socialist” in such a way as to make it sound like an insult. But lo and behold, no, he was not having his usual go at Reform Jersey. He was demonstrating some of the best, and the best in what is happening is the co-operation demonstrated today between Senator Gorst and Deputy Tadier. Senator Gorst has looked at what Deputy Tadier has produced and said: “I do not like that. It is not right so what shall I do? Shall I vote against it as I have done twice in the past or shall I amend it?” He has taken the latter path and said: “No, better that I amend it so I can give myself something to vote for” and, in doing so, he demonstrated I think the best of our system because now Deputy Tadier has said: “Yes, I accept the amendment. Let us go ahead, let us do something and let us make the moves to improve things” and it has got that agreement between the 2 of them. What was particularly useful in Senator Gorst’s speech was that he clearly demonstrated how these diversity and inclusive policies are illustrated when he said: “Of course we would like you to come to our Island and work and we would like you to pay social security, we would like you to pay taxes in the Island, we want you to vote and you only have to be here for 2 years in order to be able to vote. But when it comes to being a full citizen, while you might have the right to settle, you cannot stand and it will cost you a significant amount of money to do the tests to allow you to stand. In other words, you, despite all the trappings that we have around the statements about increasing diversity and promoting inclusion we are talking about, you are a lesser citizen. I can stand to represent the electorate, but you cannot, not without overcoming a further hurdle.” That is something which I think is wrong and demonstrates where we are going wrong because we have not solved this problem yet. Towards the end of his speech, Senator Gorst said: “I have voted against this sort of thing twice in the past but this time, I am going to vote for it and I want you, the rest of the Members in the Chamber, to think about” and I think he was close to saying voting for this as well. He could not quite get the word “vote” out but nonetheless: “I want you to think carefully about how you vote in order to settle this matter.” I was reminded of one of the favourite maxims of Senator Le Marquand, as was in the past, who used to say time and time again, but I think he is absolutely right on this particular Proposition: “The worst thing that could happen to a good plan is to search for a perfect plan.” Many speakers have said: “This is not perfect” and I would say to them: “No, it is not. Much

of what we do in this Chamber is often not perfect and if we wait for the perfect solution, we will be waiting a long time.” So, I would urge Members that, despite some reservations they might have, this is a good way forward. Please vote for it. It is not perfect, but it is the best we have, and will we need to amend it in 10 years or 20 years’ time? Quite probably. As circumstances change, lots of things change. We have to adapt. This is one of those adaptations. It is not a perfect plan but a good plan. Please vote for it. Thank you.

2.1.8 Senator L.J. Farnham:

I know that all Members are hugely proud of our diverse community, but I just want to pick up on a couple of points that have been made. I am wondering how we can defend this Proposition as amended on the grounds that it still excludes and when I say “excludes”, I do not mean exclude from being able to stand for election because nobody is excluded. It is just we ask some members of our community who are not British citizens to take the citizenship test and become British citizens to represent their fellow citizens in our Parliament, as the majority of other countries do in the world. It is worthwhile for some Members who have not - and I am sure most Members have - to do some research into the benefits and the reasons behind citizenship because they are, while debateable, generally very profound and worthwhile. We are going to end up, if we pass this today, in a position that still excludes quite a number of members of our community from what I think Deputy Tadier is trying to achieve because I think the question here is, to stand for election in our States Assembly and our Parliament, you either are a British citizen or you are not and not this sort of halfway house that is being proposed. What will happen, if the States propose this today, is in no time at all another Proposition will come for part 3, which is where I think Deputy Tadier wanted to be, which is to remove the requirement altogether. I have been accused of getting myself into a little bit of trouble lately with perhaps not taking into account a decision of the Assembly in relation to the People’s Park. I am not going to discuss that today but here is another example of where, if you do not succeed, try and try and try again and there is nothing particularly wrong with that but we see it with this issue and we see it with issues around the machinery of government and electoral reform. I am not saying it is not a *bona fide* and correct way for the Assembly to discuss things. I believe we should discuss things and if we get them wrong, we should be prepared to discuss them again. I am always prepared to change my mind when faced with a better argument, but we need consistency. So, regrettably, today I cannot support this, but I do predict or suggest that we have a further discussion on the whole issue of citizenship and not try and segment it. Thank you.

2.1.9 Deputy M.R. Higgins of St. Helier:

First of all, I want to apologise to Deputy Tadier who accepted my amendment and also to all Members. I made a mistake and I have never been afraid to admit a mistake. I got the wording wrong in the amendment. If Members read the report to what I was putting forward, I was trying to deal with a particular problem and that was the problem of Jersey people who have left the Island either to go to university, to work abroad or get experience abroad, to raise a family abroad and who wish to come back to the Island with the expertise, knowledge and skills that they have and want to contribute to Island life by standing for the States.

[10:30]

What I was trying to do was to eliminate the requirement for them to have to be resident in the Island 6 months before the election and so, by doing away with that, it would prevent people mistiming their return and enabling them to stand. That really was the object of what I was trying to achieve, and I failed miserably, so my apologies to all concerned. A red herring has been put out there and if Members do not like it, then obviously vote against it. I will return to this because what we are asking P.P.C. to do is to make changes to the law and so the matter will be coming back to the States and, at that time, I will argue the case then but with the correct wording. I will amend that legislation or try to. What I would just say then is do not hold what I have done against Deputy Tadier and the

Proposition as a whole. We do need a more inclusive States and I shall be supporting Deputy Tadier's Proposition. Thank you.

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

I have not prepared anything fully. I have just been listening to the debate and making notes and I have underlined certain words that I have heard come up a lot. The words "commitment to being an English citizen" has come up a lot and I heard the Chief Minister say: "We need people who know Jersey and understand Jersey." So, are we suggesting that somebody who has lived and worked here for 40 years and has been given permanent entitled status does not know Jersey and does not understand Jersey? I find that a bit of an insult because my family have been here for a very long time and I can assure you that there are certain occasions when my family would probably defend Jersey more than their original country. So, to say that they need this English citizenship to show commitment, I think is just absurd. I posed a question yesterday to a few of my friends who do not have British citizenship but have been on the Island from a very young age and I did say: "Have you thought about it? Why have you not thought about it?" The majority of them have just said: "Well, I have been here for 10 years. I am entitled." "I have been here for 5 years. I have made this my home. I have my family here. It has never really crossed my mind." Obviously, the cost is a barrier and it is not just the cost. It is also the time. Members probably will not be shocked to know that I did do some quick calculations on this and I based it on the minimum wage. So, on our minimum wage at 40 hours a week for 52 weeks, £1,000 after tax and social security is almost a month's wages and that is not taking into account the living costs here. In fact, I have a friend who I think came to the Island when they were a couple of years old and we went through education together, university and everything, and I will tell you the only difference is I was lucky. It was chance that my family were able to have me on the Island and that I was able to be born on the Island. It was pure and utter chance and luck. Unfortunately, my other friend, his parents just could not afford to have adequate accommodation at the time to give birth to him here, so he was born in Madeira and then came over at a very young age. So, I do sympathise with a couple of people that I noted down, which was Deputy Morel and Deputy Le Hegarat regarding Senator Gorst's amendment. It is not perfect. We know that it is not perfect, and I would have liked this to have been debated unamended personally because that, for me, would be the ideal. However, I do not think that is an excuse to vote against part (a) because, at the moment, we have tighter restrictions. "Compromise" and "stepping stone" are words that I have heard so much in this Assembly before and something I have had to become accustomed to and accept no matter how frustrating that might be but that is exactly what part (a) is. Part (a) is a compromise and it is much better than what we have at the moment. So, I would urge Deputies Morel and Le Hegarat to just think again because there are people out there that are more competent than me but just did not have the luck that I had having been born on this Island. So, what this boils down to is giving the electorate a choice. At the moment, the public are restricted in their choice of who they can vote for because there is a restriction on who can stand. Now do we not trust the public to make that choice? At the end of the day, none of us would be here if we did not trust the public because it is in their hands. What we are giving them is better choice. I think it is really important to remind Members that the public voted for us so I think the very least we can do is trust them to make the right choice for our community and give them this choice. Thank you.

Connétable J. Le Bailly of St. Mary:

Could I have a point of clarification?

The Bailiff:

You would normally signal a point of clarification in the chat so that it makes it equal with everybody else. As you have now done so, before I call on Deputy Maçon, what point of clarification are you seeking, Connétable?

The Connétable of St. Mary:

I was just wondering if we make an exception for people who do not have a British passport, does that mean that we could have a member of Sinn Féin representing the people of Jersey?

The Bailiff:

No, what point of clarification are you seeking to make either of your speech, in other words making clear something that you did not make clear before, or what point of clarification are you seeking from Deputy Alves in order that she makes clear something that you thought was unclear in her speech. It is not an opportunity to make another point. Are you asking for a point of clarification from Deputy Alves?

The Connétable of St. Mary:

No, I am not. I will withdraw what I just mentioned, thank you.

2.1.11 Deputy J.M. Maçon of St. Saviour:

It has been an interesting debate, as we have heard from many Members so far. All I want to go back to is, in this Assembly often many of us call for evidence led policy and evidence-led change and it is interesting that Members have put up and said: “Non-British citizens of the Island are going to feel so inspired by Jersey, they are really listening in to this debate, they are so keen to stand and be Members, they are such wonderful members of the community that they want to come forward and stand.” But of course, we have no evidence to support that. Arguably I suppose Members could come back and say I have not got any evidence to say that is not the case. I do find it hard to believe that people who have been here 40 years, they are so committed to the Island, they have got such a spur to represent the community, that in that time they cannot raise £1,000 and they cannot be bothered to take the citizenship test. In this Assembly we accept dual nationality, so these people who are so committed to the Island they want to do that ... and what always gets me in these debates is if I went to Madeira, if I went to France where I have got blood relatives, Germany I have got blood relatives, if I went there the requirement of me would be to adjust to take on the citizenship of those countries. I circulated to Members some information we had from the Law Officers’ Department from the last time we debated this, and of course the international norm across the world is that in order to stand for the legislature in whichever country normally you will have citizenship. If you look at some of the other Commonwealth countries it goes a bit further in that it says: “And thou shall not have citizenship in any other country.” Yet in this situation we are being asked to allow countries to stand in our Island where we do not have that reciprocity. Of course as a Jersey person I can stand in the U.K., the Welsh Parliament, the Scottish one, *et cetera*, and so for me it is interesting when we have Members who stand up and say we should stick to international norms except when we do not agree with it. I just put that into the mix; so, there is that going on. For me, in one sense, I do not think this is going to make a huge difference if this was supported, I do not think we will be flooded with candidates. If you look at what you have got to do as a States Member, the amount of work that it requires, it is more than a 40-hour week job. You have got to deal with issues about the media, your reputation and how that is undermined, how you can have the spun stories, the issues that you have got to do when you stand, and the effort that goes with it. I think there are some more fundamental issues to look at when you ...

The Bailiff:

Deputy, if I could interrupt you, Deputy Southern is raising a point of order.

Deputy G.P. Southern:

Yes, I wanted a ruling on whether the current speaker in describing a significant proportion of our voters as “they cannot be bothered” disrespects them and does not treat them in the proper manner.

The Bailiff:

No, the short answer is that is perfectly permissible to make those statements. The Standing Orders prevent disrespect being given to other Members of the Assembly, but political comment generally is otherwise entirely in order of course. No, that does not raise a point of order.

Deputy J.M. Maçon:

I think there are much bigger issues about standing as a States Member to attract more people which need to be tackled. I do not think the issue of nationality is the biggest one; whether it should be a barrier or not, obviously that is what we are debating today. I do think there is an issue and I will be supporting part (b). I do think that threshold is interesting because I think to represent any community, and whether that is in Jersey or another part of the world, you do need a certain amount of time in that community to understand it to represent it. So, I will be supporting part (b) of this Proposition. As many other Members have said, as for part (c) which is about simply being born here and that gives you an inalienable right, well again if you have been born here and you may have just been here a month because of an early pregnancy or something and then you may have no other connection to the Island and then you can come back. For me that does not really seem fair either. So, for me I do not feel that the muddying of the waters around: “We will accept some and not others” really works for me and I just want to say that, thank you.

The Bailiff:

Deputy Maçon, there is a point of clarification sought by Deputy Doublet. Deputy Doublet, what is your point?

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

The first point that the Deputy made, I just wanted to know whether he had noted the evidence and the data that I quoted yesterday in my speech because I understand and I have the same approach as the Deputy in terms of evidenced-based policy. I just wondered if he had noted the data from the Conrad survey that showed that 64 per cent of Jersey born people are interested ...

The Bailiff:

Deputy Doublet, firstly please do not make another speech. Secondly, that does not appear to be suggesting that Deputy Maçon’s point was itself unclear. You may wish to make a point about it, but you have not suggested that it requires clarification, therefore, that does not appear to me to be a valid point of clarification.

[10:45]

Deputy L.M.C. Doublet:

Am I allowed to clarify my own speech?

The Bailiff:

No, Deputy, I think at this point trying to get under whatever Standing Order might be available probably does not help. I do not think ...

Deputy L.M.C. Doublet:

I was not adding anything to my speech; I was simply going to repeat something I said yesterday.

The Bailiff:

That would be the equivalent then of having a second speech which, I can say with enormous confidence, is outside Standing Orders. Does any other Member wish to speak on the Proposition? If no other Member wishes to speak on the Proposition ...

Deputy R.J. Ward:

May I just raise one thing quickly? I wonder ...

The Bailiff:

What is it, Deputy, that you are proposing? Is it a point of order or a point of clarification?

Deputy R.J. Ward:

I would suggest a point of clarification because I am just asking for the Proposition as is now to be posted in the chat. It was there yesterday but that chat has disappeared. Before the vote and a final speech, it might be very useful for Members. I think that is a clarification.

The Bailiff:

The Greffier tells me that he has done it twice already this morning and he is putting it in again. If no other Member wishes to speak on the Proposition, then the debate is now closed, and I call upon Deputy Tadier to respond.

2.1.12 Deputy M. Tadier of St. Brelade:

Thank you to Members who have spoken, whether for or against. There have been excellent speeches and as is traditional of course all the excellent speeches were the ones that I agreed with, whether they were long or short. But I think generally it has been a good quality of debate, and I recognise that this is, for whatever reason, an emotive issue. It is something that I have clearly given a lot of thought to and I think other Members have given thought to as well. The strange thing is I think as soon as one sees the words “British nationality” and “removal of” on a Proposition it perhaps naturally stirs lots of emotions, not just in ourselves but in the public. It is perhaps quite unfortunate because in fact what we are doing today is not removing anything apart from perhaps you could argue an exclusivity clause which gives British and U.K. residents an automatic right to enjoy exclusive access to our Jersey States Assembly. But in reality what we are asking today is that we extend the eligibility criteria and what I have sent around this morning - and not everyone would have had it in the chat - quite interestingly, if you look at the way the demographics have shifted in Jersey from 1981 to 2011, the stats show that there has been a decrease in Jersey- born and British-born residents in the Island from about 90 per cent to 80 per cent; although it still remains true that half of the people in Jersey were born here and half were not. It means, therefore, that as of 2011 20 per cent of our population were not born in Jersey or in the British Isles. I suspect, although I have not got the up-to-date figures, but that figure can only have increased as we have become more dependent in many ways for skills and for other jobs to import labour into the Island. What I would say - and I stand shoulder to shoulder with our Minister for External Relations, Senator Gorst - is that every one of those individuals who contributes to Jersey in a social and economic way is very welcome in our Island. We know that our personal histories but also our collective identity is tied up with generations of immigration who have come into Jersey and who have married and made lives and had special ones around them who may have been born in Jersey and who may have come from the U.K. As I said at the beginning, the way we value ourselves in our community is not based on a piece of paper or a passport; our human interactions between us are much more complex. While it is true that at the moment one thing that unites us - and I would say tenuously, others would say it is really important in this Assembly - is the fact that we all happen to be British citizens. Some acquired their British nationality through being born in the U.K., others acquired it through being born in Jersey, others subsequently have acquired it through a naturalisation process. The point is, the way I relate to somebody in this Assembly and the things that we have, the commonalities, I do not value them in terms of my Britishness. So, the things I have in common with, for example, Deputy Morel and Senator Le Fondré are not necessarily always our politics or our Britishness. We do not get together at the weekend and sing Land of Hope and Glory; not because we are not allowed to at the moment, but we never did that anyway, even before COVID. We do not wave around our British flags together and say: “Is it not great to be British.” But we do share other passions, for example we had an exchange in French the other day. When it comes to the Constable of St. Saviour, our shared view of the Island and what we celebrate is perhaps different. It is maybe not political, but it could be our

love of the Jèrriais language, it could be our love of music and the fact that we can get together and sometimes collective in the States vote against building on green spaces. I could talk about that relationship between Members, and that same relationship exists in our community where there are very strong bonds that are not dependent on somebody having been born in the Island but it is about how they have made their homes here; not about what their passport says they can and cannot do. I suppose I had better put my Jersey credentials on the table, as one is wont to do in this Assembly, and say that I have the famous stigmata in my passport too and it says that I am not allowed to benefit from E.U. provisions relating to establishment or employment, or whatever the exact wording is. I have been through that process; I may have explained it before that I have worked in France on a number of occasions and on one occasion I was able to just go over there and work and I raised the issue of this and no questions were asked. They said: "That is fine, you are British, you can come over here to work." On another occasion I had to go through a much more lengthy process to go to London to get my visa or my work permit, my Schengen visa, I had to queue up in the Martinique Hospital to get my X-ray along with the Americans and other non-E.U. nationals so that I could work in the country where my mother was born, which is France. Through some perversity, because my mother went through a naturalisation programme, she was British even though she was born in France, and she was no longer French because she could not have dual nationality in those days. There are lots of reasons why people do not take on British nationality; one of them is cost, and it is certainly not a lack of commitment to the Island. Something I think that has confused this issue is that we are conflating on the one hand British nationality with Jersey citizenship. Deputy Maçon, I think the Chief Minister and Senator Le Fondré have said this, is that in many countries you are expected to be a citizen of that country to stand for election. Because this is the third debate now I have got the benefit of hindsight so I can look back at the Hansard, and there is a really good quote here from a slightly younger Deputy than myself who said: "The problem is that normally nationality is intrinsically linked to the community." So, in Australia for example you might have to be an Australian national, but your Parliament is the Australian Parliament. In Jersey we are the Jersey Assembly, so we are the Jersey Parliament, if you like. We are not the British Parliament; the Parliament does not exist. The U.K. Parliament does exist; the Scottish Parliament does exist, so it seems that we are applying the wrong test. We are applying a British nationality test, a test effectively for a different country, if you like, in terms of our parliamentary sovereignty, and we should be applying Jersey citizenship. This is exactly what part (b) does. It says that there are lots of people who live in Jersey who are Jersey people, they are Jersey citizens, they are Jersey residents, they have qualified here and after 5 years they can work in Jersey. It is irrelevant whether or not those people are British or not. They can work in our Island and even if not in a legal sense, even if the citizenship status and legal concept does not exist, in reality that concept does exist because there are people in Jersey who are Jersey people, Jersey citizens, and they should therefore have access - if they are successful at an election - to the Jersey Assembly because this is the Jersey Assembly. I was really grateful to hear Deputy Alves speak towards the end. It is quite right that we hold Deputies Gardiner and Guida because I fully respect what they do; they both bring so much to the Assembly. I work with Deputy Guida on environment and he has a certain perspicacity that I have rarely seen in a States Member; his clarity of thought that he can give to issues on environment and wider issues, and they transcend perhaps the political divide, the insights that he has. The same applies to Deputy Gardiner. But I am glad that Deputy Alves spoke at the end because she is another dual national in this Assembly. She did not have to acquire British nationality, she happened to be born with it, but she also has Portuguese nationality. Quite frankly some of the speeches I have heard today stem from a different era. I fully understand and respect that people have grown up in different periods of time, but frankly some of the comments I have heard ... and I will focus on Deputy Ash because I know he likes the political sparring, is when he talks about Saudi Arabia. Well, the first thing is, when I was on the radio with Deputy Ash I very much doubt I would have said something like: "I am a citizen of the world" because that is a terribly hackneyed and clichéd phrase that I would try to avoid at all times. But certainly, I do not think there is a risk that he would call himself a citizen of the world

because quite clearly where he was coming from he seems to be on a different planet. We are not in a time of war and we are not in a time perhaps when Sinn Féin is likely to plant a bomb under any particular hotel. I am grateful to have been brought up in a time of reconciliation and peace and outreach in the E.U. where they have recognised a spirit of conciliation is much better than the old spirit of divisions and old colonial nationalism. The speeches which really impressed me were the ones of the Minister for Social Security, Deputy Martin, speaking in her own capacity, but she knows about inclusivity. That is her whole department. There is an agenda at the moment, quite rightly, in Government which focuses on inequality and building community. I know that there are still going to be some Members listening in here and out there who have maybe not made up their mind. It is really frustrating sometimes - and I share this frustration - when you are a purist and you want to see things perhaps done properly. Sometimes you have got to take a step back, and the reality is if Senator Gorst's amendment had been debated separately it may have won, it may have lost. I would have been in a very strange position of having to decide tactically whether or not I needed to support Senator Gorst's proposal because it does not do what I want it to achieve, and I suspect we would never have had the numbers either way. I am speaking very frankly here. The point is, because there are some people for whom this does not go far enough and there are some people who are die in the ditch, who will never let anybody into this Assembly who does not have a British passport. I have heard it said that: "I would be mortified if anyone got elected who was not British." I find that really staggering because surely the ultimate test for who gets to represent people in this Island, in this Assembly, is the will of the people. So, when Deputy Guida yesterday said we need some kind of filter to decide who gets elected in this Island I say, no, we do not need any filters. The only filter that we need is the filter of democracy and the filter of the ballot box. That should be sufficient to decide who gets kept out of this glorious House and who gets put in it. It comes back to the fact that it is okay for us to invite people to come to Jersey and say: "You can work in our police force, you can catch our thieves, you can deal with some of the most troubling crimes against children, you can protect property and you can deal with all that." Because it was not always the case, as Deputy Le Hegarat has pointed out, and it is so good when people can speak from personal experience, as we have also heard from the Constable of St. Peter. But the reality on the floor, we are really good at debating abstract concepts about what happens if there is a war, what happens if somebody gets extradited. But the reality is that there are real problems in Jersey that people deal with and there are people from outside the Island who have come here, and they do keep law and order.

[11:00]

They do look after our parents when they are in the care homes, they do perform surgery and remove brain tumours from our loved ones when they go to the hospital, they do clean our streets, they do come in when we put a call out for social workers and say: "We have not got enough social workers, please come to Jersey and be part of our community and help us with our aspirations of putting children first." They work in our schools, they teach maths, they teach science, they teach all sorts of things, and they are honorary police officers who work for free in our community and give up their time. But for some reason we think that our job is perhaps the most important job in the Island which needs to be kept for that exclusive club of British nationality. So I do ask the Members who I know feel intrinsically the same as I do, that this is not the perfect plan and I would not have thought I would have been quoting the former Senator Le Marquand, like Deputy Southern did. He did hit on something back then when he said: "The enemy of a good plan is a perfect plan." I am asking people really to look at the bigger picture here. I want us to think about what kind of Island it is that we are building. I also would like to bring in the Deputy of Grouville who in her ministerial role is doing a great piece of work now around cultural identity and Island identity. I understand that may be finding resistance in certain quarters because cultural identity and Island identity is a tricky thing. But the point is, the way we create a strong identity and a self-identity for people when they live of Jersey, irrespective of where they come from, is by promoting social cohesion and shared values. It is strange, is it not, that we welcome people from the U.K. and say: "Okay, after 2 years you can stand

for election here but after 30, 40 years living in Jersey as effectively a Jersey citizen you are not allowed to stand in your own Assembly.” I do not think I have got anything else that I can add on the issue. It will be up to Members to decide whether they think there is merit in supporting Deputy Higgins’ part (c). I am quite relaxed about that because I think extra work can be done. But I would emphasise if we never make any compromise on this issue then we will never make any progress. Just because this does not include everyone, it certainly is a massive step forward. It will include those many individuals in the Island who have contributed so much. Of course, remember, they still have to put themselves up for election, they still have to get elected, but at least they will have the chance to do that. So, I do ask Members to support part (a), I think that is the most fundamental. I think part (b) gives the rationale of a 5-year Jersey residency which applies to everybody so that everyone has the same status, and I will leave Members to decide on whether they can support part (c). I thank Members for their time in this, I think, important debate.

The Bailiff:

Thank you very much, Deputy. I take it inherent in what you say, and in fact your earlier communications, you are content for each part to be taken separately. Very well then, in a moment the Greffier will put the voting link within the chat relating to part (a) of the Proposition. The link is now there. I open the voting and invite Members to vote in the normal way. If Members have had the opportunity ... if anyone thinks that they are not in a position to vote using the link could they please indicate in the chat. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

| POUR: 23 | | CONTRE: 24 | | ABSTAIN: 1 |
|----------------------------|--|---------------------------|--|------------------------|
| Senator I.J. Gorst | | Senator L.J. Farnham | | Deputy I. Gardiner (H) |
| Senator T.A. Vallois | | Senator J.A.N. Le Fondré | | |
| Senator K.L. Moore | | Connétable of St. Clement | | |
| Senator S.W. Pallett | | Connétable of St. Saviour | | |
| Senator S.Y. Mézec | | Connétable of St. Brelade | | |
| Connétable of St. Helier | | Connétable of Grouville | | |
| Connétable of St. Lawrence | | Connétable of St. John | | |
| Connétable of St. Peter | | Connétable of Trinity | | |
| Connétable of St. Ouen | | Connétable of St. Mary | | |
| Connétable of St. Martin | | Deputy of Grouville | | |
| Deputy J.A. Martin (H) | | Deputy K.C. Lewis (S) | | |
| Deputy G.P. Southern (H) | | Deputy J.M. Maçon (S) | | |
| Deputy M. Tadier (B) | | Deputy S.J. Pinel (C) | | |
| Deputy M.R. Higgins (H) | | Deputy of St. Martin | | |
| Deputy of St. Ouen | | Deputy S.M. Wickenden (H) | | |
| Deputy L.M.C. Doublet (S) | | Deputy G.J. Truscott (B) | | |
| Deputy R. Labey (H) | | Deputy L.B.E. Ash (C) | | |
| Deputy of St. Mary | | Deputy K.F. Morel (L) | | |
| Deputy J.H. Young (B) | | Deputy G.C.U. Guida (L) | | |
| Deputy of St. John | | Deputy of St. Peter | | |
| Deputy M.R. Le Hegarat (H) | | Deputy of Trinity | | |
| Deputy R.J. Ward (H) | | Deputy S.M. Ahier (H) | | |
| Deputy C.S. Alves (H) | | Deputy J.H. Perchard (S) | | |
| | | Deputy K.G. Pamplin (S) | | |

Deputy M. Tadier:

I am not sure if it is in order to ask for the remainder to be withdrawn?

The Bailiff:

I think now the vote is open the Members must be entitled to vote. The debate is closed, and it is too late, I believe. Therefore, we put part (b) and shortly the Greffier will place a voting link for part (b).

Deputy G.P. Southern:

Sir, could we hear part B?

The Bailiff:

Yes, part (b) is that a person should have continuous period of residence of 5 years and be entitled for work under Regulation 4(2)(a) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 to be eligible to stand for election as a Senator, Connétable or Deputy.

Deputy J.A. Martin:

Could I ask a question on that? Or maybe not?

The Bailiff:

We are in the middle of the vote.

Deputy J.A. Martin:

I am not sure. It makes it worse; that was my point.

The Bailiff:

I am afraid that is a debating point, Deputy. It is not a point to raise at this stage. The link has been put in the chat and I open the voting and ask Members to vote in the normal way. Again, if Members are not able to register their votes on the link, if it is clear that is not working, then please do register them in the chat. Otherwise, if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

| <i>POUR: 22</i> | <i>CONTRE: 21</i> | <i>ABSTAIN: 1</i> |
|----------------------------|---------------------------|--------------------------|
| Senator J.A.N. Le Fondré | Senator L.J. Farnham | Deputy R. Labey (H) |
| Senator K.L. Moore | Senator T.A. Vallois | |
| Senator S.W. Pallett | Senator S.Y. Mézec | |
| Connétable of St. Helier | Connétable of St. Clement | |
| Connétable of St. Lawrence | Connétable of Grouville | |
| Connétable of St. Saviour | Connétable of St. John | |
| Connétable of St. Brelade | Connétable of Trinity | |
| Connétable of St. Peter | Connétable of St. Mary | |
| Connétable of St. Ouen | Deputy J.A. Martin (H) | |
| Connétable of St. Martin | Deputy M. Tadier (B) | |
| Deputy of Grouville | Deputy S.J. Pinel (C) | |
| Deputy K.C. Lewis (S) | Deputy of St. Ouen | |
| Deputy M.R. Higgins (H) | Deputy L.M.C. Doublet (S) | |
| Deputy J.M. Maçon (S) | Deputy of St. Mary | |
| Deputy of St. Martin | Deputy G.J. Truscott (B) | |
| Deputy S.M. Wickenden (H) | Deputy L.B.E. Ash (C) | |
| Deputy K.F. Morel (L) | Deputy of St. Peter | |
| Deputy G.C.U. Guida (L) | Deputy of Trinity | |
| Deputy M.R. Le Hegarat (H) | Deputy J.H. Perchard (S) | |
| Deputy S.M. Ahier (H) | Deputy R.J. Ward (H) | |
| Deputy K.G. Pamplin (S) | Deputy C.S. Alves (H) | |
| Deputy I. Gardiner (H) | | |

We now move to paragraph (c) which is that for a person who is Jersey born there should be no requirement to have been ordinarily resident in Jersey for a set period of time prior to election day to

be eligible for election to the States. I ask the Greffier to place a link in the voting box and I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

| POUR: 16 | | CONTRE: 30 | | ABSTAIN: 1 |
|----------------------------|--|----------------------------|--|----------------------|
| Senator L.J. Farnham | | Senator J.A.N. Le Fondré | | Deputy M. Tadier (B) |
| Senator S.W. Pallett | | Senator T.A. Vallois | | |
| Senator S.Y. Mézec | | Senator K.L. Moore | | |
| Connétable of St. Helier | | Connétable of St. Clement | | |
| Connétable of St. Brelade | | Connétable of St. Lawrence | | |
| Connétable of St. Peter | | Connétable of St. Saviour | | |
| Connétable of St. Martin | | Connétable of Grouville | | |
| Deputy K.C. Lewis (S) | | Connétable of St. John | | |
| Deputy L.M.C. Doublet (S) | | Connétable of Trinity | | |
| Deputy G.C.U. Guida (L) | | Connétable of St. Mary | | |
| Deputy of St. John | | Connétable of St. Ouen | | |
| Deputy M.R. Le Hégarat (H) | | Deputy J.A. Martin (H) | | |
| Deputy S.M. Ahier (H) | | Deputy G.P. Southern (H) | | |
| Deputy R.J. Ward (H) | | Deputy of Grouville | | |
| Deputy C.S. Alves (H) | | Deputy M.R. Higgins (H) | | |
| Deputy I. Gardiner (H) | | Deputy J.M. Maçon (S) | | |
| | | Deputy S.J. Pinel (C) | | |
| | | Deputy of St. Martin | | |
| | | Deputy of St. Ouen | | |
| | | Deputy R. Labey (H) | | |
| | | Deputy S.M. Wickenden (H) | | |
| | | Deputy of St. Mary | | |
| | | Deputy G.J. Truscott (B) | | |
| | | Deputy J.H. Young (B) | | |
| | | Deputy L.B.E. Ash (C) | | |
| | | Deputy K.F. Morel (L) | | |
| | | Deputy of St. Peter | | |
| | | Deputy of Trinity | | |
| | | Deputy J.H. Perchard (S) | | |
| | | Deputy K.G. Pamplin (S) | | |

Then the vote now is on (d), to request the Privileges and Procedures Committee to bring forward the necessary legislative changes to the States of Jersey Law 2005 and the Connétable (Jersey) Law 2008. I ask the Greffier to place a link in the chat. The link is there. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

| POUR: 23 | | CONTRE: 20 | | ABSTAIN: 0 |
|---------------------------|--|----------------------------|--|-------------------|
| Senator L.J. Farnham | | Senator T.A. Vallois | | |
| Senator J.A.N. Le Fondré | | Senator S.Y. Mézec | | |
| Senator K.L. Moore | | Connétable of St. Clement | | |
| Senator S.W. Pallett | | Connétable of St. Lawrence | | |
| Connétable of St. Helier | | Connétable of St. Saviour | | |
| Connétable of St. Brelade | | Connétable of Grouville | | |
| Connétable of St. Ouen | | Connétable of St. John | | |
| Connétable of St. Martin | | Connétable of Trinity | | |
| Deputy G.P. Southern (H) | | Connétable of St. Peter | | |
| Deputy of Grouville | | Connétable of St. Mary | | |
| Deputy K.C. Lewis (S) | | Deputy M. Tadier (B) | | |

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

Deputy Martin, I have just noted you wanted a clarification of some point. It might be too late now of course.

Deputy J.A. Martin:

No, it was just for when the Greffier read out the result of part (a) he read out *pour* 20, *contre* 24, but there were 3 in the chat. Just for people listening it was closer, it was 23, 24, one abstention. So that is the 48 of us who are alive and well and one who is sick. It just did say 20 and people in the chat are wondering where their vote was. I think the vote is correct, it was lost, but it was by one vote.

The Bailiff:

Thank you, Deputy. In fact, when the Greffier read out the names, as he was asked to, he did say who voted in the chat.

3. Mobile Speed Cameras (P.91/2020) - as amended

The Bailiff:

We now move to our next item of Public Business, which is Mobile Speed Cameras, P.91, lodged by the Connétable of St. John. Connétable, you have an amendment to the Proposition. Do you wish it read as amended?

The Connétable of St. John:

Yes, please, Sir.

The Bailiff:

Very well. I ask the Greffier to read the Proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Infrastructure to bring forward legislation to (a) enable the Honorary Police to use unattended mobile speed cameras; (b) permit the data recorded by such cameras to be admissible as evidence in any criminal case; and (c) introduce stricter sentences for motorists who are found guilty of travelling 30 miles per hour or more over the speed limit.

[11:15]

3.1 The Connétable of St. John:

This is a simple Proposition to request the Minister for Infrastructure to bring forward legislation in order to control some of the high speed races that we have on this Island. The first part of the Proposition is to enable the use of mobile speed cameras. These are small cameras that can be attached to a post. They can be left unmanned for a period of time and then the data downloaded. We have heard night after night - and it is a significant complaint by members of the public - of

souped-up cars racing around the Island. I congratulate the States of Jersey Police in their recent initiative, I believe it was called Operation Canvas, in order to try and apprehend, and they have; the figure I have is 14 high speeders that they have caught and I congratulate them. However, the problem still remains within the Parishes that we are unable to catch these high speed racers because we have not got the equipment to do so. So, part (a) of this Proposition is to provide the police with the necessary equipment. I have met the Comité des Chefs de Police and they support this in principle. They have significant concerns about how the data will be managed and this is where I sincerely hope the Minister will consult with the Comité des Chefs, the Comité des Connétables, and the States of Jersey Police and all involved to ensure that it is a workable system that is brought in. Part (b) of my Proposition is to substantially increase the penalty for excessive speeding. I have picked a figure of 30 miles per hour over the speed limit; it has also been suggested that perhaps it should be double the speed limit. So, a green lane it would be over 30, 20 miles per hour would be over 40 and so on. I think this is what the Minister for Infrastructure will need to discuss in the finer detail. But at the present moment someone doing 70 miles per hour in a 40 miles per hour road will be fined something in the region of £500. This is a very small sum compared to what is clearly a deliberate act of violation of the law and it should be substantially higher. In France you would have your car taken away and crushed. Here in Jersey the deterrent does not fit the offence. So, I make this Proposition and I am interested to hear what Members may have.

The Bailiff:

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

Deputy R.J. Ward:

Sir, can I have a point of clarification please?

The Bailiff:

You can. It must be a point of clarification of the proposer?

Deputy R.J. Ward:

Yes, the Proposition says: "To introduce stricter sentence for motorists who are found guilty of travelling 30 miles an hour or more over the speed limit." But within the speech it was perhaps this could be double the speed limit in a green lane, which would only be 15 miles an hour above. I think we just need to know what we are voting for, whether it is 30 miles an hour or whether it is double, or are we voting for an open book.

The Bailiff:

It is not a point of clarification technically, it is a point of determination of the meaning of the Proposition, which is a matter for me, and it seems to me to be entirely clear that in order to bring in stricter sentences - if this is adopted after the law is changed by the Assembly - then the stricter sentences will apply to people travelling at a speed that is 30 miles per hour more than the prescribed speed limit for the road in question. Does that assist you, Deputy Ward?

Deputy R.J. Ward:

Yes, in that case the clarification on the opening speech is, is the Constable saying that this will now not necessarily be 30 miles an hour above, as in the Proposition, as he seemed to suggest it could be double the speed in a green lane which is 15 miles an hour. I just want to ask some clarification on that from the speaker then.

The Bailiff:

Well, certainly, but on the interpretation of the Proposition if the Assembly passes it, it says what it says at paragraph (c). But do you wish to offer any clarification, Connétable?

The Connétable of St. John:

I merely brought forward the possibility that it could be double because this is what has recently been suggested to me, rather than 30 miles an hour over the limit. The Proposition is 30 miles an hour over the limit, but I believe the Minister for Infrastructure when he comes back may have the ability to suggest a different speed. That is my understanding. I may be wrong.

Deputy R.J. Ward:

In which case, apologies, but then I would need to ask clarification from the A.G. I think the A.G. is just about to speak.

The Bailiff:

Normally I would take contributions in strict order, but the Attorney General wishes to clearly offer advice to the Assembly and, Mr. Attorney, what would you like to assist the Assembly with?

The Attorney General:

It is in relation to part (c) of the Proposition as amended, and the suggestion of introducing stricter sentences for motorists who are found guilty of travelling at 30 miles an hour above the relevant speed limit. I did just wish to draw the Assembly's attention to the possibility of charging persons who drive at speeds that are significantly above the speed limit with dangerous driving rather than simple speeding. In fact in the report that accompanies the amended Proposition there is a reference to a case in July 2019 to an individual who was caught driving at 85 km an hour in a 40 mile an hour zone, and there is a reference to a report in the *Jersey Evening Post*. My understanding is that case was in fact charged as dangerous driving rather than speeding and in such cases of dangerous driving then the court will not just consider a fine, but it will consider imprisonment. I just wish to make clear that there are other charging options that are available in relation to such cases. I am happy to answer further questions.

The Bailiff:

Thank you very much, Mr. Attorney.

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

This Proposition seeks to introduce a new method of combatting the small number of so-called boy racers who go at severely excessive speeds around our Island's roads. The existing methods of enforcing our speed limits are labour intensive. Unattended speed cameras would not add to the already significant burden on our Honorary and States Police. While I as the Minister for Infrastructure administer the law, I do so on behalf of the Minister for Home Affairs and the Parishes who are responsible for carrying out enforcement. If those responsible for enforcement now wish to have the ability to use speed cameras in their work, I am happy to support them. But I would say that introducing unattended speed cameras will be challenging. I understand that it is not the intention of this Proposition to bring in fixed penalty notices. The purpose of this measure is to stop the boy racers, but these speed cameras are also likely to catch a significant number of motorists who travel slightly over the speed limit. They too will be caught and require to attend a Parish Hall Inquiry. There will need to be measures put in place to ensure the limited capacity of Parish Hall Enquiries is not exceeded dealing with people who were speeding but who would not be described as boy racers. I do not say that they should not be subject to the law, but that it will increase the workload on Parish Hall Enquiries. We will also need to update legislation so that the registered owners of vehicles are required to inform the police who was driving at the time the offence was detected. If this Proposition is supported these measures can be developed and the required legislation brought forward. Agreeing the wording of any new law will take law officer time. Financially the cost of purchasing and operating cameras will fall to the police forces using them. I support the principle of using the most effective tools to stop speeding. Speed checks are labour intensive and if this can curtail that minority

of drivers who speed dangerously then it should be supported. If the unattended speed camera is deemed to be appropriate, I will happily support it. The next step will be for Government and police to work together to effect its introduction.

The Bailiff:

A point of clarification is sought from you by Deputy Ward, Minister.

Deputy R.J. Ward:

Given the fact that the Minister has referred to as possibly being able to change the outcome of this from 30 miles an hour above the speed to any speed, can the Minister clarify whether this is the case because I think it is very important as to what we are voting for. It is clear on the Proposition but not clear anywhere else, to be frank.

Deputy K.C. Lewis:

I would refer to the Attorney General on this one, but as far as I am concerned, I am working to the Proposition.

The Bailiff:

I am not sure it is a matter of deferring to the Attorney General; it is a matter of I think clarification sought from you, Deputy, as to whether you restrict your remit when you are considering any amendments to the law to the terms of the Proposition.

Deputy K.C. Lewis:

In my opinion, as I say, I work to the Proposition. If anyone wants to bring forward amendments, they are perfectly entitled to do so.

The Bailiff:

I hope that is sufficient clarification for you, Deputy Ward.

3.1.2 Senator L.J. Farnham:

I still remain somewhat frustrated that we are waiting for a road safety strategy. We do not have a strategy on road traffic injury prevention. We need a Government multisector; that is where all stakeholders from across the Government and the private sector work together in a multidisciplinary fashion to produce a strategy. I mean, we need a strategy that takes into account the needs of all road users, including vulnerable road users, and we need to set an ambitious strategy. We have been discussing this for years. What we have now is a piecemeal approach to this. We are seeing all sorts of speed limits popping up across the Island; there is no real coherence. While I commend the bringer of this Proposition because I know what the aim is here, we all want to find a way of preventing impact of road traffic, not just speeding but, as the Attorney General said, dangerous driving and all sorts of aspects of the use of the motor vehicle and the impact both positive and negative it can have on our lives. We need a strategy; we need a 5 or 10-year strategy and I appeal again to the relevant Ministers, we must all get on with this otherwise we are going to be continuously discussing piecemeal Propositions about how we can improve things one at a time. As a result, we could end up with a very disjointed road safety system across the Island, albeit it very, very well-intentioned. So, an action plan is required, and that is what we need to focus on. I am minded to support the first part of the Proposition because I do agree with the principles of findings ways of slowing motorists down, whether they are driving dangerously or at greatly excessive speeds for the conditions in which they are driving.

[11:30]

I do worry slightly about making policy on the hoof about whether it be 30 miles an hour faster or double or 20. I am not sure we should be making those decisions without evidence and advice. I

commend the proposer for bringing it but please, I think all of us need to think seriously about a proper, long-term road safety strategy and appropriate action plans to follow.

The Bailiff:

Deputies Tadier and Wickenden have indicated they wish to ask questions of the Attorney General.

Deputy M. Tadier:

The question is that I noticed the Proposition only deals with giving the Honorary Police the powers to use unattended mobile speed cameras and not the States of Jersey Police. I was wondering if the Attorney General could confirm that the States of Jersey Police would not be able to use these cameras to conduct speed tests and whether that would pose a problem legally in any way, foreseen or unforeseen, though unforeseen may inherently be not possible to answer of course.

The Attorney General:

Sir, I think I would just like to reflect on that a little bit further before I give an answer.

The Bailiff:

In which case, Deputy Wickenden, what is your question for the Attorney?

Deputy S.M. Wickenden:

Could I ask the Attorney General to talk to the Assembly about the 2 points of proof? In the U.K. I believe that unattended cameras would have road markings put on it so that if there was a failure in technology it could be worked out with the paintings. Is there a point of law about 2 points of evidence please?

The Bailiff:

Mr. Attorney, if you would like to indicate when you are ready to address those questions, then we will proceed with the debate.

3.1.3 Deputy G.J. Truscott of St. Brelade:

Fundamentally, I am all in favour of what is being proposed here. Plainly I think there are some questions that need to be answered and I hope they will be clarified by the Attorney General in due course. But over the years I have been aware of certain Parish speeding hotspots, one in particular along La Route Orange which from Red Houses to La Moye, for example, is used on a regular basis to test the speed of either a very fast motorbike or fast car; bearing in mind that is a 30-mile-an-hour road. Invariably this happens at night, so lying in bed you can hear this motorbike absolutely revving its heart out all the way along the avenue. So, I think it is important that we introduce technology; the stealth element of it really does appeal to me. The deterrent that people will not know where these cameras are will hopefully - and this is the ultimate aim of putting in new technology - reduce their speed accordingly. Road safety is paramount without a shadow of a doubt, I mean, we all have read those horrendous *J.E.P. (Jersey Evening Post)* news accounts of many locals who have lost their lives as they lost control of their car and crashed into a granite wall. In St. Brelade there is the infamous Corbière circuit and again I think our Honorary over the years have been trying to catch the culprits that tend to use that as a speeding circuit. All credit to our Honorary Police; I think the job they do is absolutely tremendous. Just to give an example, on Sunday I reported an incident in St. Brelade's Bay. I contacted the on duty officer and he was there within about 15 minutes and reporting back and resolved the situation. I have got nothing but praise for the work that they do so anything, including this bit of technology, that can help them - as they are stretched without a shadow of a doubt - achieve a safer community then it has got to be a good thing. Increased speeding fines, yes, I think any measure that will make people change their driving habits; again, I am supportive of that. It does need clarification, the 30 miles above the speed limit issue, it would be good to have that clarified. But if you go to France and you are caught doing a certain speed either in your car or

your motorbike, I mean, there are laws over there if you are over a certain speed on your motorbike for example they will crush the thing. I do believe they have the power to confiscate your car as well. But I think what is being proposed here by the Constable is definitely a step in the right direction and I am more than happy to support it.

3.1.4 Connétable R. Vibert of St. Peter:

I support the principle of the Constable's Proposition, but I think we should point out that this will not be a quick fix. The use of unattended cameras would require major change to legislation and a large amount of officers' time to achieve this. Perhaps if I quote from the U.K. Department of Transport directive which covers mobile speed cameras the degree to which our legislation would have to change becomes apparent. It says: "Mobile camera sites must be sited where collisions occur over a stretch of road where enforcement is needed during specific times of day, or one where collisions have regularly occurred. Camera and speed limit reminders must be placed along the road leading to the camera site and for 1 kilometre thereafter. Mobile cameras should be clearly visible for 60 metres at speeds of 40 miles an hour or less, and 100 metres at other speed. The vehicles themselves should also be clearly marked." The reference to vehicles is very important because the vast majority of police forces and councils who operate speed detection have the mobile cameras mounted to vehicles, and in fact I could not find online reference to anyone of police authority that attached small cameras to posts for speed detection. They are, in the main, mobile in the form that they are mounted to vehicles and can move around very quickly from one place to another. We mentioned the problem that motorists who travel only slightly over the speed limit would also cause the cameras to trigger, and I think probably all of us know - and the U.K. Government admitted this a couple of years ago - that on the motorways cameras do not trigger until at least 10 miles an hour or possibly greater over the limit for exactly this reason because they do not wish to be overburdened by administration, and they wish to capture the top tier of offenders. This is something we must think about when there is further consultation about these cameras. I know we got into problems some years ago with vast numbers of people at Parish Halls for relatively slow speeds when we were using a mobile device, which was attached to a police Volvo. The current equipment we use is labour intensive but I have to say in St. Peter, now that we have a number of extra officers, we are now ensuring they are all trained and we have increased the number of speed checks that we are undertaking, which shows that our existing equipment can be effective, provided we use it. It is very effective at night. The current speed cameras that we have operate very well at night and probably more effective than in the daytime. So there are many things to consider here. I know that the Constable mentioned he had been to the Comité des Chefs. Unfortunately, that was only on Monday evening, the night before our Assembly started this week, and they did support the principle, in principle. We also have to say they had many, many concerns and I have covered some of these here. One of the reasons that in the U.K. they choose to put devices on vans is because, while I could not find reference to speed cameras on posts, they have used cameras on posts for other things. They quickly become targets and simply with a can of spray paint the lenses are painted over and they are totally useless. We talk about the cameras being covert, but in fact software can be purchased relatively cheaply that will allow you to detect them. I believe in Jersey very quickly the site where the camera was located, through social media, will be known. This is one of the current problems with the handheld equipment that after about 15 or 20 minutes no car passing the check is over the speed limit. The bit of the Proposition that I cannot support is the reference to the 30-mile-an-hour over the limit and the Attorney General has already touched on this. At a Parish Hall Inquiry, a Centenier cannot deal with anyone speeding at a speed of 20-mile-an-hour or more over the limit; they have to go to the Magistrate's Court. Certainly, when I was a Centenier, I am aware of the case that the A.G. commented on, but in fact there were others where the legal advisers looked at them to see if a charge of dangerous driving could be brought and on one or 2 occasions it was possible where people were travelling over 20-mile-an-hour over the limit. So, in fact there are already greater penalties where you reach those speeds. So, 30-mile-an-hour, I am not quite sure where that came

from, it does not seem to make sense to me, and I would not vote for that. In fact, Members may wish to know that the threshold in Jersey reduces to 13-mile-an-hour over the limit for a second offence that comes to the Parish Hall where you have to take it to the Magistrate's Court. A third offence is pretty much an automatic direction to the court irrespective of the speed. So, we have a lot in place already. Unfortunately, for anyone who thinks it is a quick solution, it definitely will not be. The amount of legislative changes I am greatly concerned about. Nevertheless, I will support the principle and the first part of the Proposition.

The Bailiff:

Deputy Lewis has a point of clarification.

Deputy K.C. Lewis:

While I support the sentiments of the previous speaker, we are looking at completely different technology. We are not obliged to follow the ...

The Bailiff:

Sorry, is it a point of clarification of your speech, which has been mentioned in the speech of the last speaker, which I do not recall, or a point of clarification asking the speaker to clarify what he said? Because, in either case, those are the only bases on which you can raise a point of clarification.

Deputy K.C. Lewis:

Indeed, I have made the point, thank you.

The Bailiff:

Deputy Tadier has a further question for the Attorney General. It might be useful to ask it now, Deputy, so when the Attorney is thinking about things he can come back on all matters.

Deputy M. Tadier:

It relates to part (b) of the Proposition where it says that the data recorded by such cameras can be admissible in evidence to any criminal case, and I emphasise the "any" part. So, my question is I guess in terms of how it relates to data protection issues about the purpose that data is recorded for, excuse the clumsy English, is usually germane to data protection law. So, is it envisaged that this information could be used in a non-related case, the speeding? So, for example, if there was a rape case, which is obviously very serious, but similarly there could be a case of somebody committing a separate road infraction, such as going down a no-entry road, would that evidence there be admissible even though the purpose of the cameras was not specifically set up to be used for that type of criminal case?

The Bailiff:

Mr. Attorney, did you hear and follow the question raised by Deputy Tadier?

The Attorney General:

I did, yes. I think I can probably answer all the questions that have been raised so far at this point. In relation to Deputy Tadier's first question concerning whether the S.O.J.P. (States of Jersey Police) were not able to use these sorts of mobile speed cameras as are contemplated in the Proposition. My understanding is that it is more a requirement of whether or not the relevant officer has done mandatory training on operation of speed cameras.

[11:45]

It is an obligation on members of the Honorary Police who carry out speed checks that they must have had some mandatory training on the use of the cameras that they already use and the cameras are operated in accordance with some existing guidelines concerning the technology and the way that

they work. So, it is more a question of the training and I would assume that principle would be extended in relation to the mobile cameras that are contemplated in this Proposition. I assume there would have to be mandatory training in the operation and setup of these sorts of cameras for them to become reliable and admissible as evidence in court. In relation to Deputy Wickenden's question concerning would this require the painting of lines on roads in the same way that we see on roads in the United Kingdom. That is more of a question of technology rather than law. All I can say is obviously in relation to the existing cameras that are used to conduct speed checks, those do not require lines in the road. As I understand it, they use a laser technology and that does not require lines to be painted in the road. In relation to Deputy Tadier's last question concerning data protection, the question that he raises is absolutely right, but in terms of the relevant legal gateway to allow the use of evidence that is gathered by these sorts of mobile speed cameras, potentially it could be used for other offences. It may depend on the wording of the Proposition or the legislation that may in due course be passed by the Assembly and implemented, but in principle I do not see why a camera that has been set up in relation to speeding could not record some valuable evidence, certainly, for example, in relation to other driving behaviour. So, for example, if someone is jumping a red light or driving the wrong way down a road, then in principle I do not see why that evidence could not be admissible in an appropriate case where someone is charged for another offence apart from speeding, but it might be a driving offence. As to whether it could also be used in relation to a wider set of offences outside driving offences, in principle it could, because the overall purpose of the legislation is in relation to offences. But it may depend on the wording of the legislation and that is something, as previous speakers have alluded to, the drafting of the legislation does require careful consideration. But, in principle, my overall answer to Deputy Tadier's question is that the evidence or data that is recorded by these mobile speed cameras could be used in relation certainly to other driving offences and possibly a wider spectrum of offences. I hope that assists.

The Bailiff:

In fact, Deputy Tadier has asked for a slightly different point of clarification of the position, the distinction in the Proposition between Honorary Police and States of Jersey Police in paragraph (a), which provides for enabling Honorary Police, but does not specify States of Jersey Police. He was asking whether there was any concern relating to that and whether that meant the States of Jersey Police could not use this technology. Deputy Wickenden asks for the answer, if you are able to provide it, on the 2 points of evidence, as he characterised it in his question to you. Do you need a little bit more time or are you able to address both of those points? I note Deputy Ward has just indicated he would like to ask you a question as well. Perhaps, Deputy Ward, if you want to say what your question is?

Deputy R.J. Ward:

I apologise for keeping the A.G. busy today, but just to get clarity on this Proposition, may I ask what type of offence the speeding is? Is it a criminal offence, i.e. if somebody is travelling at 32 miles an hour and caught by a camera, it is the same criminal offence as travelling at 60 miles an hour and caught by a camera, and does that go on a criminal record? Could it possibly be that there is a criminal offence that leads to incarceration, which has effects on that, and is it the sort of criminal offence that has to be declared, for example, on safeguarding - I have forgotten the name for it now - checks that have to be taken out for people?

The Bailiff:

Attorney, would you like some time to come back on that question and indeed the developments of the other questions?

The Attorney General:

Yes, but just in relation to Deputy Wickenden's question, his post says: "Could the A.G. talk to 2 points of evidence please?" I just wanted to be clear about what those 2 points of evidence were, so I would be grateful if he could just clarify that.

Deputy S.M. Wickenden:

I believe that the reason there are lines and when police officers have the cameras in their hand, the 2 points of evidence is, one, themselves and the second one is the technology. So, it is about when trying to prosecute somebody that there is not just one piece of evidence to prove the guilt of somebody.

The Bailiff:

Does that help you in clarifying the question, Mr. Attorney?

The Attorney General:

I think so.

3.1.5 Connétable L. Norman of St. Clement:

As Constable and as the Minister for Home Affairs, I am very happy to endorse and support this Proposition. I can also add that both I and the States of Jersey Police do support wholeheartedly the use of technology to help fight crime, whatever that crime might be, with a view to preventing injury and saving lives. That is very, very important, preventing injury and saving lives. There are 2, perhaps 3, people currently in hospital in critical condition because of accidents in the last 3 weeks, collisions in the last 3 weeks, which undoubtedly have been caused by speeding. My colleague Constables will know that speeding on our roads is not just a common source of complaint but is probably the top complaint that Constables receive about issues happening in their Parishes. As other speakers have mentioned this morning, speed cameras have been widely used in the U.K. for a long time. They are fixed speed cameras in the main and undoubtedly, they moderate speed in their immediate vicinity. But when people get to know where they are they are not terribly effective and in a small place like this, if we had fixed speed cameras, people would slow down as they arrive, when they soon know where they are, and then speed up afterwards. If the devices, which the Constable of St. John is proposing to be used, were to be successful, and I certainly believe that they would be, it has been intimated by a previous speaker, it is easy to imagine that the Parish Hall Inquiry system could become overwhelmed. We have seen it before, I think it was a few years ago the States of Jersey Police had an unmarked police car with a speed camera in it and they caught so many that the Parish Hall Inquiry system was not able to cope and the police had to drop that. That is wrong. What is also wrong is something that the Constable of St. Peter mentioned this morning that cameras could be fixed only to catch people who were going 10 miles an hour over the speed limit. That is far too fast, and it is wrong. That would mean that any speed limit that we agreed, or the Minister agreed would be 10 miles an hour faster than that. If a crime is being committed, the police have a duty to deal with it. But I can understand what he is saying because they were going to catch so many probably that the system could become overwhelmed, so the Parishes may well wish to consider asking the Minister for Infrastructure to perhaps issue something like fixed penalty notices for the smaller offences, the first-time speeders, those at a relatively low speeds, and leaving the more serious offences, the faster speeds, and the second, third and fourth offenders, to the Parish Hall Inquiry and to the Magistrate's Court. But that is absolutely a matter for the Parishes to consider and they might find that valuable. Also, perhaps the Minister, as part of the road safety strategy, could consider speed awareness courses, which happen in the United Kingdom with some success, as an alternative to fines. So, in summary, yes, a very good deterrent, but we will need to ensure that the administrative arrangements can cope effectively with the technology, but there is no doubt that it would be well-supported by most people in the Island. I will be supporting the Proposition.

3.1.6 Deputy G.P. Southern:

You can always tell when a Proposition has come to the Assembly half-baked, you can tell it by the number of references to the Solicitor General or to the Attorney General to try to find out what it means. This one is half-baked, ill-thought through, and means what the proposer takes it to mean or wishes it to mean. There are 3 subjects on which everybody gets queries, and everybody agrees that something must be done about it and they are dog fouling, seagull noise and attacks by seagulls, and, yes, speeding. Everybody knows it is a problem, we all want to see less of it, we can imagine that we can solve the problems easily. This is an easy way to do business. We just spent a day and a half talking about things like pride and loyalty and belonging and this one is speeding. I do not know quite what this means, I do not know the proposer knows what this means, I cannot vote for this and I will not vote for this.

Deputy L.B.E. Ash of St. Clement:

Just to take issue with Deputy Lewis's description ...

The Bailiff:

I am not sure we can hear you. I am afraid we cannot hear you, Deputy Ash.

Deputy L.B.E. Ash:

Can you hear me now?

The Bailiff:

Yes, we can hear you now. Do you want to start again?

Deputy L.B.E. Ash:

I am just going to take issue with Deputy Lewis's ...

The Bailiff:

No, I am afraid you are cutting in and out rather badly.

Deputy L.B.E. Ash:

I will leave it and see if I can go somewhere else.

The Bailiff:

What I suggest we do is I will move you to the end of the current list of people indicating their desire to speak and hopefully your ability to get in there will have improved. Just so that Members know, next is the Connétable of St. Mary, then Deputy Young, then Deputy Tadier, then the Deputy of St. Mary, then the Connétable of St. Ouen, then the Connétable of St. Martin, then Deputy Maçon, then Deputy Doublet, and then Deputy Ash on the assumption that he can join us. So next to speak is the Connétable of St. Mary.

[12:00]

3.1.7 The Connétable of St. Mary:

Anything that helps to deter excessive speed on public roads has to be a good thing. I am for ever getting complaints of speeding and, as you know, St. Mary is mostly 20-mile-an-hour, unless of course you are in one of our many 15-mile-an-hour green lanes. It makes no difference; excessive speed takes place on both. Much of the speeding takes place late at night. Though the risk to other road users is less, it causes a lot of resentment, very often by the excessive noise from the specialist cars. Our Honorary Police do the very best to eliminate this, but speeding, especially late at night, has become a well-organised activity with spotters doing a recce first. Our Honorary Police cannot be there 24 hours a day. They are honorary. They also need to go to work and lead some form of normal life with their families. There is no point in referring to U.K. legislation, it does not apply to Jersey, we are also able to introduce our own legislation. The equipment can be programmed to suit

the application. The details and remit of use may need to be clarified but the principle for using this equipment is the important issue. Anything that can be done to assist in this Island-wide problem has to be a good thing. It is very difficult to do a job without the proper kit. The proper kit is available. It is our duty to provide it in order that our Honoraries can do their duties in the best and safest manner and, at the same time, safeguarding the public of our Island.

3.1.8 Deputy J.H. Young of St. Brelade

For as long as I have known, speeding has been a really bad problem in Jersey, and I want to begin by saying that anything we can do is really important. I want to praise the effort of the States police recently who have, in their initiative, really for a long time tackled this. Then we have the work of the Constables in St. Lawrence and in St. Mary where infrastructure changes have been made to really achieve an improvement in key sections of road. That is part of the strategy that we desperately lack that Senator Farnham spoke of. He is right. There are all sorts of elements that we need to tackle this. For example, I constantly ask my question: why do we have a 6-lane motorway to take people fast from one traffic jam to another? This is in the Route de la Liberation and Victoria Avenue; it is just crazy. We need infrastructure works to effectively not send signals to people that get to a wide bit of road and then test your engine out, it is crazy. But the other ingredients, we have a hotch-potch of individual speed limits, 20-mile-an-hour, 15, 30 and 40, and obviously they have grown incrementally and in some places, they make sense, in other places they do not. Drivers are confused. People complain. Then we have the importance of the need for safe routes to schools and there is no question, it is coming absolutely strongly, out of all the survey work we do, that people are concerned about the speed of vehicles and driver behaviour. While there is a general impression abroad that nothing is ever going to happen, there is no enforcement, I think that is going to continue. Now, the proposal here we have for mobile cameras, I think they are long overdue frankly, but I disagree with the Connétable of St. John that this is only to attack the night-time racetracks. It is really important as well to have a structure in place that deals with what you might call ordinary speeding, because otherwise it just becomes endemic and we accept it. Of course, as the Attorney General has recently told us, just now, is that those people that are caught doing night-time races can be liable to more serious charges other than the speeding. For a long time, I thought: how do we tackle this? I think it was the Minister for Infrastructure said that we are not about to create a fixed penalty system. *Au contraire*; we should, we absolutely should. The way to deal with this, this is not just about the money because that will not deter people, just paying out 30 or 40 quid every time, it is about the effect on their driving licence. If you look at the U.K., the U.K. has had a points system on driving licences for years and look at the list that they pick up, careless driving, drink driving, drugs, insurance, miscellaneous, construction and use, failure of brakes, tyres, steering, and speeding, 3 to 6 points on a speeding offence and if you get 12 points in 3 years your licence is automatically disqualified. Same in France where there is a scale there of points. I just do not see why we could not have an introduction of a system like that and then it would be self-discipline, people would know if you go around ignoring limits then eventually you are going to lose your licence, as well as the nuisance of it. I cannot remember who it was just now said speed cameras will not work because people will know where they are and avoid them. That is true but there is such a thing in the U.K. as average speed cameras, where you measure between point A and point B, distance travelled, and clearly, they really do work. Other speakers have said that bits of this Proposition are hot spots, to be honest with you, worse than that probably, but nonetheless on the principle that we need to do something I shall support it. But I rely on the Minister for Infrastructure to make sense of this and I would like to see him tackle both the strategy and the points in taking this forward, and average cameras and so on as part of that, rather than just have this thing about where you get if you are 30-mile-an-hour over. My understanding is that means, if you drove down a green lane at more than 50-mile an hour, which is ludicrous of course, that is the only occasion you would get a severe penalty, which is a nonsense. So I see it as a nonsense, but take it in the round and on the basis the Minister for Infrastructure is going to make sense of it, hopefully within the lifetime of this Assembly, because

this is part of a pattern that is clearly the case is that Back-Benchers, and of course the Connétable has only recently been a Back-Bencher, are bringing forward a policy and maybe feels liberated being a Back-Bencher that he now can launch policy initiatives and then get them taken up. It seems to be a good way of doing things. But, nonetheless, I have confidence that, if this is approved, the Minister for Infrastructure will make sense of this, so I am going to support it.

The Bailiff:

The Attorney General has indicated that he is able to respond to the various questions. So, Mr. Attorney, are you able to assist the Assembly?

The Attorney General:

Yes. Firstly, in relation to Deputy Tadier's question, which I think in part may be more directed at the wording in the Proposition, but in part I think it is also a legal question. Deputy Tadier's question is the fact that this Proposition is only, certainly as regards part (a), aimed at members of the Honorary Police. As I said in my previous answer, it is more a question of who carries out the mandatory training for operation of the existing speed cameras. But certainly, members of the States of Jersey Police and the Honorary Police can both carry out speed checks in relation to the use of the existing cameras. So, the wording of the Proposition as regards part (a) is only directed at members of the Honorary Police, it does not include the States Police. So, while it is perhaps a question for the Minister for Infrastructure, the mandate that is given to him on the wording of this Proposition is only in relation to the Honorary Police rather than the States Police. So that was my answer to Deputy Tadier's question. In relation to Deputy Wickenden's question about the reason why there are lines on the road in the U.K. where a fixed camera is operating, the reason for that is that in order for the data from the cameras to be evidential and be capable of use in court there has to be some sort of cross-check on the cameras, and that is the reason that there are the lines on the road. In relation to the cameras that are being contemplated by this Proposition, I assume that the same question will arise. Where the current system operates is that there is an Article 9 statement from the officer who operates the camera, usually an Honorary officer, but on occasion a States police officer, the officer supplies a statement, which covers the evidence that is recorded through the use of the existing camera. The same question will arise in relation to how data from the cameras that are contemplated by the Proposition will be evidential and be capable of use in court. So that may mean that we will have to go down the same route as the U.K. of having lines painted on the road so that there is this crosscheck for the data that is recorded by the camera as against the lines painted on the road. Just while I am on Deputy Wickenden's question, I would just add that in the U.K. they have a similar limit on speeding fines as we currently have, so that is the £1,000 limit. The exception is in relation to speeding on motorways where I understand that the fine can be increased to £2,500. Then finally in relation to Deputy Ward's question, as regards criminal offences and whether speeding offences were criminal offences, yes, they are criminal offences. So all the driving offences under the Road Traffic Law are criminal offences and they do get recorded on a person's record, so they are liable to production when it comes to job applications, but it may be that the relevant employer takes a different view of a speeding offence to a much more serious offence. Those were my answers to the questions so far.

The Bailiff:

There is a point of clarification sought from you, I imagine to one of the answers you have given, from the Connétable of St. Ouen. Then Deputy Gardiner has indicated a desire to ask a question. So firstly, a clarification of what has been said, the Connétable of St. Ouen.

Connétable R.A. Buchanan of St. Ouen:

I just wanted to clarify with the Attorney General, he said that the Proposition as worded means that only the Honorary Police could use the unattended mobile speed cameras, but does it preclude the Minister for Infrastructure adding “S.O.J.P.” into any legislation he brings forward to the Assembly?

The Bailiff:

I am not sure that is a matter of clarification for the Attorney General, Connétable. The fact is that the Proposition relates only to the use by the Honorary Police of cameras of this nature and it is a matter for the Minister for Infrastructure the form that the legislation might ultimately take, or indeed for a Member to offer an amendment if that Member does not think the form of proposed legislation meets what is required. I do not think that is necessarily a legal question for the learned Attorney. Deputy Gardiner.

[12:15]

Deputy I. Gardiner of St. Helier:

My question was similar to the Connétable’s, if it is in the remit of the Minister for Infrastructure to bring back the position, which will include the police, so I think it has been answered.

3.1.9 Deputy M. Tadier:

I was pleased to be back in the Assembly with the Minister for Home Affairs, he remarked that he was particularly pleased to be back here as well. I was interested to hear what he said because I think he has identified the problem because he has long experience as a Constable and a States Member previously to that and now is Minister for Home Affairs. He said one of the biggest areas of correspondence about complaints is around speeding. I suspect probably the next biggest area of complaint is about speed-calming measures and speed humps. I have some sympathy for the Minister for Infrastructure because it seems sometimes you cannot do right for doing wrong. We know that people are rightly concerned about speeding issues and that has certainly been the case around St. Brelade, the La Moye area, and there was a petition to introduce a crossing, which only in part of course was to do with speeding, but really it was to do with convenience for people to be able to cross the road when they wanted to as pedestrians, giving the right to pedestrians rather than cars. But of course, there has been a subsequent backlash from some areas of that and it is quite right to push, you need the right speed humps, it is not a one size fits all. So, I think we do need to pay tribute to the work that is done at D.f.I. (Department for Infrastructure). But can I remind the Minister, I do need to speak to one of his officers at some point about an issue, so if he can get back to me. I also heard what the Minister for Home Affairs was saying and essentially this Proposition, and it is what I am going to talk about briefly, is that there are so many consequential changes that will be needed from this, what on the surface is a simple Proposition, that I think we are going to nod through today potentially, but which we do not necessarily fully realise. First of all is the issue that it does not deal with States of Jersey Police, so what we should be having today is a high-level debate about whether or not fixed speed cameras are appropriate for Jersey, whether we want to introduce something that is currently alien, which I think has merits. We do not have that concept in Jersey about fixed speed cameras with all the potential that goes around it for needing to put road markings on. So, we are going to have to paint the roads over here to say that there is a speed camera present. We are potentially going to have to put up signs. We may need to put yellow boxes around the speed cameras or we may not, the Minister is shaking his head, but we have not had those discussions. It is not something simply for him to decide and look at, we need to also take into account heritage issues and heritage groups, environmental considerations, and of course the Parishes themselves and what they are willing to do. But I am also concerned that there is not going to be uniformity. What we are passing today would give Honorary Police officers the ability to perform speed checks, but of course they will not be performing the speed checks because the cameras will be fixed. Presumably they will be fixed on Parish and States roads, but we do not know what consultation has been done with the States of Jersey Police because they are already capable of doing speed checks, they do them, but

in the same way with their V.A.S.C.A.R. (Visual Average Speed Computer and Recorder) guns or whatever they are called, the technology might have changed. It does not deal with the issue of how that will be managed. Part (b), and the reason I raise part (b) is because we are not just talking about speed cameras here, we are talking about cameras, we are talking about introducing C.C.T.V. (closed-circuit television) potentially to the rural areas, which have never had C.C.T.V. There is an argument of course that we should have cameras right across the Island to pick up acts of criminality, especially serious offences, because, if a rape or serious offence is committed in St. Helier in the streets, there is a good chance that there might be some video evidence about it. But when it happens at an unattended bus stop in Grouville there is no evidence. We need to understand that what we are being told here is that the evidence collected from a speed camera can be used for any purpose, which is a departure from the normal practices of data protection. By the way, I am all for this kind of evidence being used in serious criminal cases if it can help catch someone, but we have not had a discussion about that because the word “any” has been put in there. It could well be that what we find is that somebody could be walking down the street littering, and I do not condone littering at all, but that could be potentially used for a criminal case because littering is criminal presumably. It could be somebody who is riding their bicycle on the pavement; that is criminal, it is at the low end of it, especially if no one is around, they are probably not going to do anyone any harm, but that can be used in their case. You have this whole idea of mission creep. I do not think it is unfair that, whoever the Proposition is coming from, we should hold Propositions that come to this Assembly with quite a high bar in terms of whether they do what they intend to do and whether there are unintended consequences, whether there has been proper consultation, and even if the wording is flawed. There are many flaws here in every paragraph. The first one does not deal with the police; it is Honorary Police. It does not tell you about the framework in which these cameras will be put up. Part (b) talks about C.C.T.V. used in any criminal case effectively. Part (c), it is an arbitrary figure, is it not, so I would ask, is it more dangerous to do 75 miles an hour along the 5-mile road when there is no one around or to do 45 miles an hour in a green lane in the middle of the day on a Sunday afternoon? Again, I am not condoning speeding in any form, but it seems to me that there is a differential there in seriousness because you could probably go to St. Ouen and I suspect, if people are honest, they will confess, not necessarily in here, but to have taken out a new car when they are test driving it and go along St. Ouen, first time you go along at 40 miles an hour, make sure there is no one around, and the second time these terrible people who do not adhere to the speed limit will go and open it up and see what they can get, and they will probably get 100 and then they will decide whether or not they want to buy the car. That is one thing. But to be doing 45 miles an hour in a green lane, when you have a risk of knocking over somebody who is walking or on a bike, is clearly different. That needs to be seen. So I could have come up with a formula that says take the speed limit, divide it by 5, times by 9, and add 32, and then if you are doing more than that you get a public flogging in the Royal Square. That is incidentally the formula for converting Celsius to Fahrenheit, but I just put that in there for a bit of fun for the mathematicians who are listening. But it is arbitrary, and it does not make any sense. What should happen and what you learn in this Assembly is that there seems to be some kind of professional courtesy, which is given to certain Members bringing what is essentially a flawed Proposition, it is highly flawed, and we should not be passing it in this form. I know that if I brought this Proposition it would quite rightly get sent back and say: “This is nonsense. Do you not know that there are streams of work going on already at D.f.I? Do you not know that we have to talk about it to Home Affairs?” Because the Minister for Home Affairs has said today, we probably need fixed penalties to do this. I think, yes, absolutely, we do need fixed penalties. I spoke to another Member last night on the phone who has experience in this area, and he said: “Yes, we also probably need a points system.” But are we going to introduce that today? Is the unintended consequences of passing this going to be that later down the line, and there are merits of course to introducing a U.K.-style system in Jersey or a French-style system or a Jersey context specific system. We have absolutely no knowledge about what that is going to look like. So it would really be left to the vagaries of these meetings, which you and I probably do not even get invited to, and it will be stitched

up in the background by whatever works best and of course then you come up with something that is potentially very far removed from what we are debating here. Because it seems to me that we probably should have fixed cameras and you should automatically get an automatically generated letter in the post. So, if you are driving along a road and you do 20 miles an hour over the limit, you get the letter through the post and it says: "By the way, you were caught, here is the evidence, do you accept to pay this fine and do you accept to have 6 points on your licence?" if we go down that scheme. Then the person will say: "Yes, I do", and if they do not, they can contest it either at the Parish Hall or at the Magistrate's Court. That is presumably what we are deciding today. That is what we probably should be deciding. I think that is an okay idea. But I pretty much only just thought of that last night after talking to someone else. So, it is not even on the back of a fag packet; it is on the back of a neural network, if you like, which has not necessarily been fully thought through. What I would like to see here, if we were doing things properly, is for the various Ministers, the Minister for Infrastructure, the Minister for Home Affairs, the Minister for the Environment, to go away and say: "We agree with the principle that speeding is an issue and we are going to come back to the Assembly with a proper structure in place, which is going to deal with all the issues. We are going to consult with the relevant groups, including the Parish Constables and Heritage, for example, because they might have issues about road furniture, which is excessive." We also need to look at other ways of reducing speeding, which is building in measures that deal with speeding, like they have done in St. Mary. I am wrapping up, by the way, but I was pleased to hear from the Constable of St. Mary because I am trying to work my way around the Island gradually in an anticlockwise manner from St. Brelade. I have lived in St. Helier, St. Clement, currently in Grouville, and I hope to very soon find myself back in St. Brelade. But perhaps via St. Mary. I have always known that St. Mary has a very laid-back and slower pace of life; I certainly appreciate it when I go there, but I did not fully appreciate that it is built into law. The speed limits in St. Mary clearly contribute to, if not dictate, the pace of life, which the Constable and others can enjoy in that Parish. So, who knows, maybe I will be seeing him soon. But I think this does need more work, so I would hope that the message could go out, let us make an in-principle decision in our speeches today that speeding is an issue; that potentially having fixed cameras is a way forward, but that this Proposition in its own right does not provide the blueprint for that and that the Ministers will give an undertaking not to accept this today but to come back. We know that it is an issue that is close to many of our hearts and speeding issues and road safety is clearly an issue that is also close to the heart of the Constable of St. John and I think we all respect that.

The Bailiff:

Deputy Lewis is seeking a point of clarification.

Deputy K.C. Lewis:

Yes, you will probably tell me off again, but just to point out that the C.C.T.V. cameras are completely different to the speed cameras.

The Bailiff:

Are you seeking that Deputy Tadier clarifies something that he said in his speech?

Deputy K.C. Lewis:

No.

3.1.10 Deputy D. Johnson of St. Mary:

I do take on board many of the points raised by the last speaker, perhaps apart from that relating to the pace of life in St. Mary, which has not found its way to politicians at least. I wish to speak primarily to raise 2 points. I shall be supporting what I regard the principle of the Proposition and on the basis that, as and when the legislation is introduced, it will cover many of the items raised by Deputy Tadier and many others. As I see it, this introduction of speed cameras is simply a tool in

the armoury of the Honorary Police and one which they need. I do not think it necessarily follows that they will be inundated with such an administrative mass that they cannot cope. I know the Connétable of St. Clement is not in favour of the idea of fixing speed cameras at a somewhat higher level than the rates allowed on the road in question, but it is an option, and whether that is fixed or not it is surely in the hands of the local Parish as to what action they take. I would like to think that, as and when legislation is introduced, there will be appropriate measures to enable the Parish concerned to write a warning letter possibly if the excess speed is within a certain level of that permitted and further and stronger action beyond that. So, I do, as I say, see it very much as a tool and one that the Honorary Police need. The other aspect I wish to highlight, which has perhaps not been mentioned too much so far, is that the Honorary Police do have other functions to perform. Most of us I think come into touch with the Honoraries more on the occasion of road traffic checks than anything else.

[12:30]

That is but part of their general responsibility. My understanding is, as the Constable of St. Peter said, officers who carry out speed checks at present do need to have certain qualifications, not all officers have that, which places a greater onus on those who have, and also means possibly that there is not a continuous check on a week-by-week basis. It might depend possibly on the Honoraries concerned. So, we need to take that responsibility or ease that responsibility on the Honorary officers to enable them to devote their time to other things. I say this in the context of the present circumstances in which we are living. Even if further measures as to lockdown are not introduced, they do have responsibilities to monitor such things as distancing and gathering of people, and that is an area which they are well qualified to perform. But I rather fear that, under their present responsibilities as far as traffic is concerned, they are effectively taken away from that. I venture to suggest that, if trafficking and road traffic duties were not such a major part of their job specification, there may be more applicants to join the Honoraries. On that basis I will leave.

3.1.11 The Connétable of St. Ouen:

It is always a difficulty coming into a debate fairly late on because a lot of the points that one wants to make have already been made before and I am not one to repeat these points parrot fashion. So, I will confine my comments to my own Parish, St. Ouen. There is no doubt in St. Ouen that, since we have had lockdown, we have had a pandemic of speeding and it is blighting the lives of quite a lot of my parishioners who live by the roadside and are having to, in the small hours of the night, put up with bikes and cars being driven past their houses - and some of those who live on the main roads are quite close to the road - at very high speeds, waking them up and generally disrupting their lives and their sleep. The other major issue of course we have is that these bikes and cars that are travelling around the lanes of St. Ouen, and as somebody who used to race cars I can tell you I have listened to them and they are travelling at significant speeds. This is not a question about limits frankly because the people that are riding or driving these cars really could not care less about the limits. They are driving at significant speeds and putting people's lives in significant danger. We have already seen a large accident that put people in hospital, which was entirely as a result of high-speed driving. I accept a lot of the comments about the Proposition having flaws, and also I have had some discussions with my Chef de Police and there is no doubt that introducing speed cameras is going to be complex and require a great deal of work. But all I can tell you from the St. Ouen side is that my Parish, I am sure if I put this to the Parish Assembly, would (a) vote for the funds to pay for the speed camera and (b) would encourage my Honorary officers to work within this structure to make sure that speed cameras were introduced in a form that reduced speeding in my Parish. It is worth noting that the people that are doing this are extremely well-organised and we know, for example, and my Honorary Police have heard intelligence, that not only are they waiting and driving around to make sure that there is nobody policing these roads they want to use, but they also use spotter cars to go out and see where the police cars are and they are in connection with each other through social media. So, in

many ways it is an organised activity. I would very much like to pay tribute to the States of Jersey Police who have organised Operation Canvas in conjunction with my Honorary officers and between my Honorary officers and the States of Jersey Police have put in a significant number of hours to try to combat this, and with some success as a number of people have been stopped at speeds which were ridiculously in excess of the speed limit. The highest one we caught so far has been 87 miles an hour and I think the Attorney General mentioned that. But it is causing a great deal of strain on my Honorary Police. Last weekend I had officers out until 3.00 a.m. and 4.00 a.m. in the morning, both Friday and Saturday night, and one night during the week, in an effort to catch these people. As somebody else mentioned, Honorary officers have other duties to attend to and as we are coming into a period of greater restriction for COVID they will be tied up with making COVID checks as well as dealing with this problem, unless we can put a stop to it. From the St. Ouen perspective, we need this, and it is not a question of strategy, I do not think, it is a question of catching criminality. Yes, we would like to stop people who break the speed limit by 5 or 10 miles an hour and we do that regularly with speed checks. It is more about catching people who are excessively breaking the speed limit and who are cunning and devious in the way they do it to make sure that it becomes increasingly difficult to catch them. For example, my Chef de Police has mentioned to me that we are going to have to look carefully at the camera technology because some of these people who are speeding are painting their number plates with paint, which ensures that a speed camera would not be able to take a picture of the number. So it is a serious problem we are facing and I would urge Members, certainly from the perspective of my parishioners, to support this Proposition, not least so some of them can get a decent night's sleep for the first time in 3 or 4 months. I will leave it there, but I accept a lot of the points that have been made about the problems. But what I would say is that the Honorary Police, certainly in St. Ouen, and I am sure I can speak for other Parishes, stand ready to put the work in to make this work. I have to say, it does not bring me any joy to support a Proposition for speed cameras because in many ways, certainly from somebody of my generation, it is an intrusion into our lives, which I am sure many of us will not welcome. I certainly would not be supporting this if I did not think it was essential to combat a problem that, if we are not careful, will end up with somebody being killed. I say that knowing that it may sound hysterical, but I have to say, having seen and heard what is going on, it will come to that if we do not do something about it. Finally, to the Constable of St. John, who I thank for bringing this Proposition, I would urge him to, when he comes to the vote, to split this into 3 parts because I certainly feel very able to support part (a), part (b) is consequential of having speed cameras and seems to me to be almost unnecessary, and part (c) again I think is flawed and requires further work. But certainly, I shall be supporting part (a) and if the Proposition was put as one, I will be supporting it.

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

I commend Constable Taylor for bringing forward this Proposition and trying to tackle the Island-wide problem and serious threat to safety caused by the dangerous and negligent attitudes of the night speeders. It is only a matter of time before they cause serious injury or a fatality. Mobile speed cameras would be a useful tool, but I think they should be centrally controlled to target hot spots. The States of Jersey Police are not included in this Proposition and, as a consequence, the Parishes will have to each purchase their own speed cameras at a cost of £17,000. Being practical, we already have constrained budgets. Before anyone else says this, you cannot put a price on safety, on people's lives, which is all the more reason that the cameras should be paid for out of central funds. It is concerning that processing the large number of prosecutions a camera would generate will swamp the Parish Hall Inquiry and court system. The only way to manage this, I believe, and I have this from my Chef de Police, would be fixed penalty notices. The Chefs de Police do not want this. They do not want to tackle this by fixed penalty notices, and they will be the ones who will have to deal with it. The Proposition is well-intentioned but, as it stands, it may be the demise of the Parish Hall Inquiry and I know that the author of this Proposition certainly would not want this. The Honorary Police detect a high amount of no insurance and out-of-date addresses, no window insurance discs,

by using speed guns and talking and checking cars. I am happy in principle with this Proposition but, as I have stated, I have serious reservations about the use and management of it. Ideally, I would like more work to be carried out on this Proposition and the salient points that we have made addressed. I am worried this is a way of getting fixed penalty notices in by the back door and I am extremely concerned that, by voting for this, it will inadvertently cause the demise of the Parish Hall Inquiry. I would ask that the Connétable bring this Proposition back to the Assembly in a more detailed and thorough form, which addresses the issues raised in this debate.

3.1.13 Deputy J.M. Maçon:

All I really want to add to this debate is that this is an in-principle Proposition that is coming forward here and I just want to remind Members of the legislative process, apart from COVID obviously because things have had to be rushed, but we should be going through Green Paper stages, we should be going through White Paper stages; that should include normal consultation processes. Within that, things like who should be included, what system should be there underpinning it, all that type of stuff would be fleshed out. That obviously is a big piece of work that the relevant Ministers will have to do. So for me the issues around why are the police not included, that can all be mopped up in the Green Paper stage where options are provided and then you will have your normal consultees respond to that and say this, that and the other. For me, those types of issues can all be dealt with. We are, for me, dealing with matters of principle today. I reflect back to my hustings this time around and again it was constantly, question after question, about road traffic safety, around speeding, certainly in St. Saviour. I have some constituents on Rue des Pres who often contact me and raise the issue on that particular road and often talking to the States of Jersey Police, the Honorary Police, and it is an issue of manpower and people being available to be able to enforce the rules that we have. So, I absolutely, from a constituency point of view, will be supporting parts (a) and (b) of this Proposition. I would agree with other speakers that I think part (c) is a separate issue, it is slightly different and there should be a separate vote on that particular part of the Proposition. But some of the issues that Members have raised seem to forget the bigger process that this will have to be part of, and I think that the Ministers, with goodwill, could deal with those issues. That is all I wanted to add.

3.1.14 Deputy L.M.C. Doublet:

When I put in the chat that I wanted to speak, I had one simple point to make, which was about the children's rights perspective and I do not know if a children's rights impact assessment has been done on this Proposition because I know that they are still only optional. But I wanted to draw Members' attention to Article 19 of the U.N.C.R.C. (United Nations Convention on the Rights of the Child), which effectively says that children and young people should be kept safe. There is a list of things they should be kept safe from and one of those things is exposure to accidents. The Parish that I represent, St. Saviour, and particularly my District, which is District 2, has a lot of schools and Deputy Maçon mentioned this in his speech that this is a big problem in our Parish with traffic. Looking at the statistics on this, between 20 and 30 children every year present at A. and E. (Accident and Emergency) in Jersey having been hit by a car. I was quite surprised by that figure; I think that is quite high. In my mind, anything that we can do to make the Island safer for children on the roads or anywhere that we should be doing. I do have one qualm about this Proposition, which we have discussed at length, and Deputy Maçon and the previous speaker did assist me with that thinking. I understand that the legislation will have to come back and it can be amended and the Minister may include the States of Jersey Police, but I do feel quite strongly that the States of Jersey Police should be included as well as the Honorary Police. Is the Minister for Infrastructure able to respond and clarify in his speech whether that is something he would bring forward in the legislation? I do not know if that is something he is able to do or if one of his Assistant Ministers could possibly do that later on in the debate before the summing up. Because I feel like I need that information in order to decide which way to vote. But I do hope that Members will keep the child rights implications in mind when they are deciding how to vote on this.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Just to let Members know, we have listed next Deputy Ash, the Connétable of St. Brelade, Deputy of Trinity and Deputy Gardiner, who have indicated a desire to speak. That will take place after the adjournment. The States stands adjourned until 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Very well, we resume the debate on P.91, Mobile Speed Cameras, and the next person noted to speak is Deputy Ash.

Deputy L.B.E. Ash:

Good afternoon. You can now hear me, I trust?

The Bailiff:

I can definitely hear you, yes, Deputy.

3.1.15 Deputy L.B.E. Ash:

Excellent news. I used a revolutionary new concept in I.T. (information technology) which is apparently known as rebooting and it seems to have worked. So on with the topic in hand and I will not speak for long. I would just like to take issue with Deputy Lewis' declaration of this being about boy racers, firstly probably, because these days we should also include girl racers if we are going to be politically correct but, more importantly, it is very easy to dismiss this whole subject as a few tearaways racing along St. Ouen late at night, but it is not really about that. There are many, many more people and if Deputy Lewis wandered along the Havre des Pas area between 5.00 a.m. and 7.00 a.m. in the morning he would see delivery vans going at 60, 70 miles an hour as well because it is far more of a problem than just a few tearaways, shall we call them. I also feel that if people really wish to drive at high speed, it is possible in Jersey because you can join the rather splendidly named Jersey Motorcycle and Light Car Club and participate either in the hill climb or the Jersey rally or indeed both, so the opportunities are there if you wish to enjoy driving at speed. But if you are driving at double the speed limit you are endangering life and surely it is our duty as States Members to protect the citizens of the Island as best we can and I feel by introducing these cameras we will be doing just that.

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

I, like other Constables, are very conscious of speeding issues in my Parish and the Corbière Loop, Five Mile Road, Route des Genets, when it is surfaced, and Route Orange are very attractive to those wishing to exceed the required speed limit. There is no doubt that there is much support for the principles in this Proposition; however, it seems to me that there are concerns from the Comité des Chefs de Police over the various unintended consequences. Consultation with the various stakeholders does not appear to have taken place and I think the risk here is that we will be asking the Minister to bring forward legislation unsupported by those that have to enforce it. The questions put by Members this morning have highlighted this and I believe the Island would be better served by referring the Proposition back for further information to be obtained from those who are required to implement the legislation, mainly the Chefs de Police and Magistrate and, secondly, to enable Members to consider in-depth the information the Attorney General has kindly provided this

morning. I would therefore propose that under Article 83 of Standing Orders that the Proposition be referred back.

The Bailiff:

Very well, it is open to you to propose a reference back. Could you clarify, Connétable, what further information it is or ambiguity or inconsistency that you are concerned about in the Proposition that needs to be provided?

The Connétable of St. Brelade:

Yes, I believe that the information which has been provided, certainly to date is, to a degree, ambiguous in that it is not clear, and this has been demonstrated by Members' questions this morning and indeed the Attorney General's answers. It has not been made clear to Members exactly what the detail, which will result in approval of this Proposition, will bring before us. I do believe that it would enable Members to consider in-depth the further information that will be provided from those bodies, and particularly those who have to implement the legislation.

The Bailiff:

Is that information that, in your view, can be provided by the mover of the Proposition, the Connétable of St. John? Because obviously it is a reference back to him, it is not a reference back so that someone else can provide information.

The Connétable of St. Brelade:

No, I think the Connétable will be in a position to do that and be ably supported by fellow Connétables who will be of a similar opinion and be happy to support him in so doing.

3.2 Mobile Speed Cameras (P.91/2020) - as amended - reference back

The Bailiff:

In which case, is the Proposition for a reference back seconded? **[Seconded]** Seconded, now obviously it is open to Members to speak and for us to debate the Proposition for a reference back. Obviously, the only substance of the speech should, as far as possible, be the merits of a reference back. So, if anyone would like to speak on the reference back, please indicate now.

3.2.1 Deputy K.C. Lewis:

If it is helpful to Members, I would just like to point out I have every intention of not only consulting the Constables but also presenting everything to Scrutiny and obviously bring any legislation back to States Members before it is voted on. Thank you.

3.2.2 Deputy K.F. Morel of St. Lawrence:

With regard to the reference back, I think we have seen already that there is a large amount of information missing from this Proposition. We do not know, for instance, the costs of mobile speed cameras, we do not know the administrative burden that mobile speed cameras, were the Proposition to be accepted, would be on the Parishes that results from that. We do not know, as we have had a reference to fixed penalty notices from the Minister for Home Affairs, whether fixed penalty notices are something which is likely to come as a result of this Proposition or not or will be proposed as a result of this Proposition or not. We do not know how the mobile speed cameras will be used. Will there be signage to say you are in an area covered by mobile speed cameras, will there not? Very concerningly, part (b) of the Proposition seems to open, as Deputy Tadier quite rightly pointed out, essentially a form of surveillance throughout the Island where any crime can be prosecuted through the use of mobile speed cameras. So we do not know about the triggering mechanisms of mobile speed cameras and how directly they are targeted on solely cars or will they be picking up information from the area which means that people who are not even in the car necessarily could potentially be

photographed doing some other activity. Surveillances of this nature is something that needs, and I think Deputy Tadier was absolutely right, proper discussion. That is not something that this Proposition has created at all. Instead, we have a Proposition which focuses on one idea, mobile speed cameras, and people have picked up on it as a panacea for all our ills as far as speeding is concerned. But the Proposition is far more open than just mobile speed cameras, it creates a form of surveillance state within the Island. So I think it is only right that we get a full understanding of the technical capabilities of these cameras, what triggers them, how far they operate, do they need long stretches of road to operate in or can they be used in small, winding lanes and what other protections that would be in place to ensure that people are not being surveilled unintentionally. None of this is in this Proposition and until such information is in this Proposition, I find it incredibly difficult to vote for this Proposition. So, I think a reference back is entirely in order because it is, as I believe Deputy Southern said at the beginning, a half-baked Proposition. It is one which does not give us all the pertinent information with regard to mobile speed cameras, how they operate, what their restrictions are, what their technical capabilities are, what their dangers are, and they do include in themselves dangers as far as freedom in this Island is concerned. So, yes, I strongly support the motion for a reference back. Thank you.

3.2.3 The Connétable of St. Ouen:

I fully understand the previous speaker's concerns; however, my point about why I would vote against this reference back is that this is a matter of principle and the Proposition clearly reads for the Minister for Infrastructure to bring forward legislation to enable the 3 principles that the proposer has put forward. which most certainly must include the detail on how it is going to work, so I would oppose the reference back.

3.2.4 Deputy G.C. Guida of St. Lawrence:

Yes, I would like to follow in the steps of Connétable Buchanan. This is indeed a very, very simple Proposition which has one key word, it is just to "enable", that is all. It does not detail how it must be done and how it can be done safely, it is just there to enable. I have done that work, I have measured speed for motorists on the Jersey roads as an Honorary Policeman and this is probably the most difficult thing to do. We need several people to do it, it needs to be done at the right time with the right weather, we need to be there a long time in advance to calibrate and prepare. It is really one of the most difficult things we do and I think the Jersey Police is a little bit faster than we are but if we are very lucky, notwithstanding how many people might be breaking the speed limit, we can probably, at the maximum, stop and fine 3 per hour, maybe 2 if it is a slower day. So, having an additional tool to work with would really be very, very useful. However, again, this particular Proposition is only the beginning of the journey for this, it only enables them. If a Parish does not want to use the tools, does not want to pay for them, because they are very expensive, and finds other difficulties there is absolutely no pressure to use them, it is just an enabler. So, I will not be needing a reference back. I must say, there is nothing else that the Constable can bring to this and certainly a lot that the Minister for Infrastructure can. Another 2 things: we already have many, many cameras in the Island. They are not speed cameras, but they are there in the street recording what people do and they can be used as evidence and they are regularly used as evidence. So, it would not be something completely new to the Island, it will just be again a small additional tool. Some people have mentioned the fact that if we let the boy racers continue this will lead to accidents and possibly death.

[14:30]

I am sorry, this has already happened. We have quite a few accidents, a lot of, unfortunately, accidents due to completely unnecessary illegal speeding and some of them directly attributed to racing in the street; including one very famous death that the Members will remember if they think

about it. So, it has already happened, and we really need to do something to stop it happening again. I would not vote for a reference back and I would definitely vote for the Proposition.

Deputy R. Labey of St. Helier:

Could I ask a question? Sorry.

The Bailiff:

Well that depends, what question is it within Standing Orders?

Deputy R. Labey:

I just wanted to enquire of the Chair if we are debating here the merits of speed cameras or debating the reference back. Because it seems to me, with the greatest respect to Deputy Guida, we are going to re-run the whole debate.

The Bailiff:

We are clearly debating the question of the reference back, Deputy, and Standing Orders provide that the contents of that part of the debate should be restricted to the merits of the reference back and your words are therefore well placed. But inevitably some reference to the substance of the Proposition may be necessary in order to explain why it is important if it is referred back or not. So, there is an element of leeway and so far, it is right, though, that it should not deal with the merits of the main Proposition. Thank you. A point of order, was it, Deputy Tadier?

Deputy M. Tadier:

I think I missed, and I know at least one other Member missed, the actual intervention - I think it was from the Constable of St. Brelade - for the reference back. But what was the information that was being asked in the reference back?

The Bailiff:

The Connétable sought a reference back to provide, as I understand it, for an element of the consultation with the necessary stakeholders, the ability to digest and refer back to the advice received by the Attorney General and more detail as to how it would be implemented and put into practice and the product would be used. I hope I have not mischaracterised you, Connétable of St. Brelade.

The Connétable of St. Brelade:

That is correct. Your information is correct, not the character assassination.

3.2.5 The Connétable of St. Martin:

I must say I disagree with the previous speaker, Deputy Guida, as there is much more that the Constable can bring with his Proposition if it is referenced back. I therefore fully support a reference back. My Chefs de Police, and I believe the majority of, if not all, the Chefs de Police, do not support this Proposition in its present form and the Chefs were only consulted about this on Monday evening. There are so many unanswered questions and the Proposition in its present form ... sorry, I cannot read my writing. There are so many unanswered questions that, in its present form, the Proposition creates but it will create more problems than it will solve, so I would urge Members to support the reference back. It was a good idea, but it needs much more detail.

3.2.6 Deputy R.J. Ward:

I have written a few notes down as the speeches were going on and I think the reference back is the correct thing to do. Because there is a real, I think, inadequacy in the detail of the Proposition in the report itself and it is unclear in terms of even what the 30 miles an hour change would be. It was not clear in terms of the answer given by the Minister for Infrastructure as to what would be undertaken if we were to pass such a generic idea. I am surprised that Assembly Members can say that we are

voting on a principle when there is no real clarity in that principle. I think the points that the Constable suggested that it would have to be referenced back are a step forward. Because if we are going to make a decision on a change like this, which does have implications, and a lot of the points were made by Deputy Morel and I would agree with them, then we need to have a lot more detail in the Assembly about this. So, I would say a reference back is a pragmatic and practical way to move this forward.

3.2.7 The Connétable of St. Peter:

I would like to congratulate my fellow Constable from St. Brelade for asking for the reference back. I believe this is the correct way to deal with this. I originally said I would vote for the first part of the Proposition but over lunch I was able to make further enquiries and I changed my mind. One thing that I can confirm, that the Constable of St. Martin is entirely correct that the Chefs de Police were not in full agreement with the Proposition and, in fact, I think they required some further information because not all the questions could be asked. I should also mention, and I think the Constable also said and is relevant to the reference back, but Deputy Guida's explanation of a speed check is totally inconsistent with any I have seen in St. Peter in that the calibration takes about a minute. Our officers are fully trained, we are out on the road within 5 to 10 minutes and within an hour you can easily deal with half a dozen or more motorists. Only 2 officers are required and there are not the complexities that he described. I perhaps think he must have been using some form of other equipment. But, no, I totally support the reference back. Thank you.

3.2.8 The Connétable of St. John:

This is a simple in-principle vote and it will be for the Minister for Infrastructure to consult on what legislation is required to implement the necessary laws to introduce mobile speed cameras. I have neither the time nor the facilities to start a series of meetings to consult widely with the public with those interested parties and to then develop the detail that the Assembly is looking for. That detail will come with the Minister when he comes back to the Assembly with the necessary legislative changes. I stress again this is purely an in-principle decision and I am sorry Members do not view it that way, but in all likelihood, I will pull this Proposition and not re-present if it is referenced back.

The Bailiff:

I am sorry, Connétable of St. John, you are not suggesting you wish to withdraw the Proposition in any event, are you? I did not quite follow what you were saying.

The Connétable of St. John:

What I said, I thought I made clear, is that if this is referenced back, then I will withdraw the Proposition.

3.2.9 Deputy G.P. Southern:

While I am pleased to hear the Constable talking about withdrawing his Proposition, I do believe the reference back is not the proper way in which to proceed. A reference back seeking further information should be made of any Minister with his department and all his officers, if he comes before us with an inadequately informed or researched Proposition. Entirely appropriate, so you go away, come back when you have got some more detail, more meat on the bones. It is entirely inappropriate to pick on a Back-Bencher, a fellow Back-Bencher, and say: "You have not got enough information in here, we will reference you back." As he says, he has not got the facility or the means to come back with a more substantial Proposition. He has done his best. What this House should be doing is voting this out. It should vote against this Proposition and not vote for the reference back even though it seems like that is the best way to get rid of it. I would urge the Constable to withdraw his Proposition as badly formed and likely to be referenced back.

The Bailiff:

Thank you very much, Deputy. You have a point of order, Deputy Tadier?

Deputy M. Tadier:

Just to clarify that the Constable cannot pull his Proposition as such, he would need to ask for leave of the Assembly to withdraw.

The Bailiff:

Yes, he would.

Deputy M. Tadier:

That would need to be ascertained at the time.

The Bailiff:

If the Connétable of St. John wished to withdraw his Proposition now, he would need the agreement of the Assembly to do so because the debate has been opened on it. If the Assembly passed the motion for a reference back, then it is open to the Connétable of St. John not to bring the matter back to the Assembly afterwards. In other words, once it has been referred back to him, he does not have to retain it and it does not have to continue, that would be within his gift.

3.2.10 Deputy M.R. Le Hagarat:

The point that I think it is appropriate that it will be referenced back is the financial and manpower implications: “Law drafting will be required as a result of this Proposition”, have we got the appropriate time for law drafting in this current situation: “but the financial and manpower implications are otherwise negligible.” This, I have to say, factually is incorrect and therefore I would want further detail. Having seen and been a supervisor of a mobile speed camera, let us be clear, they produce a fundamentally huge amount of paperwork and that is a serious impact on whoever has that camera. So, therefore, I think it would be appropriate that this goes back in order that that research can be done as to the cost that it will be before we agree as an Assembly to push it forward.

3.2.11 Deputy S.M. Wickenden:

Firstly, I would like to not repeat but say that I agreed with everything that Deputy Morel talked about there about why this should be referenced back. There is just not enough information in here. There has been a lot of talk about this is to solve a particular problem but in the information we have been given, it does not really tell us how or why it would do that and my concern is that this is purely a revenue-raising measure on people rather than a solution to what it is being sold as. So, I think we need to know more information so we can be clear what this is for and how it will address the issue that it is being claimed to do. So, I would say we should support this because there is not enough information.

3.2.12 Deputy I. Gardiner:

I would like to let Members know that I was involved somehow in this Proposition and basically from last October I tried to explore what is happening with mobile cameras. From last October I met with the Infrastructure Department who told me that they are working on it and they are developing, the Infrastructure Department team who is responsible. I met with the Attorney General but also, we had an open conversation and lots of problems were raised. Since then I have had several conversations and meetings with some Constables and Deputies about it. Everybody agreed we need new technology to come in on the Island but there are problems that are complicated. I asked for a meeting with the Chefs de Police that took place in February basically to be able to understand their views and what are the better ways to take forward a possible point system and speed cameras. What was interesting during that meeting, that basically, I think it was around 8, 9, I do not remember, participants, they were divided. Some of them said: “Yes, it is possible in this way we are going” and some of them said: “No, it is not possible, it is not right.” What I asked for the committee that I

met: “Can you please come back to me with suggestions?” I realise that the COVID happened and everybody was busy with different things but from October to February, early March, I tried to pull stakeholders together to work and there were lots of problems but not many solutions and at the end of the day the Infrastructure Department are working on it. As a Back-Bencher we do not have facility, we do not have resources to bring this type of detailed information so we can decide in principle we would like to have mobile cameras or not. But it will go back to Scrutiny, it will go back to the Assembly, we can amend it, we can have our say that somehow it should move forward from my perspective and I will not support a reference back.

[14:45]

3.2.13 Deputy L.B.E. Ash:

Very, very swiftly again, during COVID we sort of broke with tradition and voted things through or voted against them there and then without calling things back. Sadly, we seem to be moving back to the old days of delay and stalling. Yes, this does need fine-tuning, I fully accept that, but it is an in-principle debate. Deputy Lewis, the Minister, has promised to bring it back to us and we can approve or disapprove then. So, let us not reference it back, let us make the call today and allow Deputy Lewis, should it be passed, to do his job.

3.2.14 Deputy J.H. Young:

I find myself in entire agreement with the Constable of St. John and the last 2 speakers. There is not any question, I am looking at the Proposition here now, it is a very clear statement of principle and it is coming from a private Member. Of course, I understand, yes, it is right that if this were coming from a Minister that has got the resources available to them, you would expect a lot more detail to go with it. Now already I think the Minister for Infrastructure has the responsibility, if I am right, for road safety or the road traffic laws, I think he has, he has got the person with the resources. Obviously he has got to work with the Committee of Constables, he has already given us that commitment that he will do exactly that and if this Proposition, not for the reference back, is voted, but the substantive Proposition, he will treat it as a decision in principle. Now this Assembly so far this year has already got well used to adopting private Members’ Propositions in principle and I think that has been a good thing. I will just give you a couple of examples: plastic bag, climate change, G.P. (General Practitioner) charges and so on. So, if we send this back, what is going to be the message? Well, speeding is okay, the States are not going to do anything about it, and, therefore, I think that is a very bad thing to do. I think we have got ourselves ... the Proposition we have got is a very simple one, it is not perfect but I think we have to treat it as a point in principle, so I am not going to support the reference back.

3.2.15 Deputy M. Tadier:

I do not agree with the last speaker. I think, first of all, let us remind ourselves who has brought this reference back. It is a Constable and we have heard Constable after Constable in the reference back saying that it should be referred back. We even heard one say: “Look, I came in here today to support this but now I cannot support this because there are some serious issues which I need clarification on and my Chefs de Police does not even support it.” So, what that does tell me is that consultation is needed and that there is genuine information that needs to be sought in a reference back. While I normally have sympathy generally for any Back-Bencher who does not necessarily have the same arms that a Minister might have in preparing Propositions, this is relatively straightforward to do. We have asked specific questions of the Constable and Ministers, because he is working in conjunction with Ministers here, for them to come back and say: “Look, this is not just an in principle”, and I will get up the Proposition, because an in-principle debate would be to request the Minister for Infrastructure to bring forward legislation too for the introduction of mobile speed cameras. But the Proposition goes over and above that and each of those areas has information with unintended consequences that we do not know about. We do not know about the costs, costs are

certainly not negligible, we do not know why it is only being restricted to the Honorary Police and why the States of Jersey Police will not be able to use these cameras. We do not know why or if indeed it is reasonable for the evidence to be used in any criminal case and we do not know why the arbitrary figure of 30 miles above the speed limit is the right one. All of those things need to be consulted on and it is one thing for the Minister to say: "We will go out to consult" but this is far from an in-principle decision. This hamstringing the Minister and it puts him and us in a constitutionally very difficult position because the Minister is supposed to honour what the Assembly has asked him to do. If he comes back and says: "Well, I have changed this legislation because I do not think that 30 miles an hour is the right test, it should be 40" or it should be a proportion of whatever the speed limit is, whatever the formula, and he might think: "I think we need to not have a system whereby only the Honorary Police can use it, I think we need a completely different system which is perhaps centralised or it could be a hybrid system which is centralised and Parish-based". We do not know whether some Parishes are going to have speed cameras and other Parishes will not. We also do not know, as I have said, the implications around the admissible evidence in any criminal case or what the cameras themselves are going to be capable of recording. So, because of all these things, I think we should accept the Constable's offer to withdraw the Proposition and also accept the goodwill that has been put on the table by the Ministers who said that they are going to work on this issue. I hope that the Constable does not give up on the issue of speeding because no one is saying speeding is not an issue. I think we have all said it is an issue, and we need a coherent way for the Minister to bring something back which is properly consulted on and that he can work together with that Constable and any Constable or any other Member that wants to join in that process. I think the reference back or withdrawal, which it effectively is, is the way forward. It does not mean that the issue gets put to bed, it just means that it can be done in a much more holistic way.

3.2.16 Senator J.A.N. Le Fondré:

I am not entirely sure, well it is a matter for the Connétable, whether he offered to withdraw or if it is only the case if the reference back went through, he would not bring the Proposition back to the Assembly. From my view, if people do not like the Proposition then do not worry about a reference back, just reject the Proposition and put it to bed. I have to say, from my perspective, I am in almost vehement agreement with Deputy Southern in terms of when a Back-Bencher brings something we usually do try and accommodate if that is possible. It is not always the case or sometimes time does not permit. But looking at the wording of the Proposition, it is very much to enable the, in this case, Honorary Police to use unattended mobile speed cameras, to permit the data recorded, and then, yes, there is part (c) and I am assuming the Connétable would be allowing the votes in separate sections. So, for me, it is an in-principle debate, it is to enable something to happen and therefore from that perspective, and the Minister was supportive of the general principles, that a lot of the detail will come back later. Therefore, to address one of the comments raised in the reference back, I think the financial implications would probably, in this instance, mainly lie around the law drafting side because it is enabling to use rather than the mandatory use of. That is my interpretation and I will take that as a political interpretation rather than necessarily a legalistic interpretation. But on that basis, for me, I will not be supporting the reference back and, for me, if Members do not like the principle of speed cameras, then Members are better off just rejecting the Proposition rather than having the sort of toing and froing.

3.2.17 The Connétable of St. Clement:

With the greatest respect to my colleague Constable, I find this reference back Proposition absolutely bizarre. It is a device simply to try and halt the potential of improving road safety. It is a device to stop the reduction of serious injuries and saving life. I mentioned this morning, we have 3 - I think it is 3, it may only be 2 - people in hospital at this present moment in critical care because of incidents caused by speed. If we support this reference back, next time, next time there is an accident and we learn of a death or serious injury caused by speeding, then all of us who supported this reference back

will need to feel very guilty indeed. **[Interruption]** Yes, indeed. Deputy Morel may “tut-tut” but the fact is we are being asked here in principle - in principle only, details need to be sorted out - to improve road safety and to stop people being injured and killed on our roads. If we cannot support that, then goodness knows what we can support. We must reject this reference back.

3.2.18 The Deputy of St. Peter:

There is really not a lot I can add to the Constable of St. Clement. Speeding is a problem and if I supported this reference back and did not then subsequently support the Proposition, I would expect to incur the huge wrath of many people of St. Peter and quite rightly so. This is a principle request of the Minister to ask the questions that are supposedly lacking in the Constable’s Proposition. Speeding is an issue, let us get started on it now, otherwise this is a wasted opportunity.

3.2.19 Deputy K.G. Pamplin of St. Saviour:

I just want to add to the debate as a non-Executive Member of this Assembly who brought a Proposition to the Assembly right at the end of our session before summer and had extraordinary support from the now-extended Greffier team who are supporting non-Executive Members in bringing Propositions, and we did it in incredible time. I would imagine if more time was given to a Proposition that I or one of my non-Executive Members wanted, with that enhanced team now in place with the Greffier team we can support any means you want to add to your report or your Proposition for the terms of research and anything else like consultation. I also add to the Constable of St. John, who is, he himself, transitioning through to the non-Executive Member side of the Assembly, is that support is there and also what we are doing here today via this ability to be in hybrid places where we are communicating in person with States Members in one place and via teams’ technology for Members dotted around the Island. So, this is a critical decision for this Assembly in terms of how we fix this problem, but I just wish to bring this reference back debate back to the details and distance from other comments that have been made.

3.2.20 Senator L.J. Farnham:

I maintain that if we are absolutely serious about improving road safety, it is with a road safety strategy which would be fully encompassing. I appreciate though that speeding would and is an important part of any greater strategy. What concerns me, and while this is not a perfect Proposition, not many in-principle Propositions are ... in fact, it is impossible for an in-principle Proposition to provide all of the information necessary because that is why we have in-principle debate so relevant Ministers and departments can be charged with going off and coming back with that. My fear is if we do not make a decision on this today, things will stall again, and we will get a big gap where nothing happens. So, while it is not perfect, I would like to see us forge ahead with this, agree the principle on the usage of speed cameras, and then leave it in the capable hands of the Minister for Infrastructure and his team to put that Proposition together, look at legislation changes. I am sure the Minister will keep Members up to date and will bring Members with him, keep them informed as information and costs and other important items become available. So, to keep the debate going, to keep moving in the right direction, to keep protecting lives on the road, let us push ahead with the debate. Thank you.

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

I just want to speak very briefly to this and to the words of Senator Farnham. I am surprised that the Minister for Infrastructure has not reminded the Assembly that in fact the Road Safety Action Plan was agreed by the Assembly in 2016 and that included a plan to review speed limits. That has happened in St. Lawrence. We held public consultation and as a result of our Assembly earlier this year, the Minister for Infrastructure will be bringing forward an order to change the speeds on 17 roads within the Parish. But it seems to me that this Proposition has been brought forward by a Back-Bencher and we have the Constable of St. Clement vigorously defending and supporting this and

saying that it is absolutely essential that we do not support this reference back because those of us who may choose to do so would then be responsible essentially for any deaths or serious injury on our roads. I find that view to be very unsatisfactory and I completely disagree with the Constable for having expressed that sentiment.

[15:00]

But the other point that I would like to make is that, yes, this has been brought by a Back-Bencher and, in my opinion, it lacks detail. We have heard Deputy Kirsten Morel of St. Lawrence, I think spoke very eloquently on this reference back, when he reminded us of many salient points that have not been covered in it. I think the fact that it is an enabling Proposition should not detract from the fact that more information could have been included within the original Proposition; indeed, the Constable of St. John did make a couple of amendments to his original Proposition. But if we are all so concerned about speeding and the potential loss of life and serious injury, it seems to me that the Minister for Home Affairs and the Minister for Infrastructure should have been working on this as a joint effort to bring it forward with all of the relevant information that we are in fact requesting now as part of this reference back. So, the Constable of St. John has said if this reference back is carried, he is not in a position to bring forward a renewed Proposition containing the detail that has been requested this afternoon. I fully understand that and can completely recognise that it may well be difficult for him to do that as a Back-Bencher. I would urge though that if this reference back is carried, if the Constable then does not bring forward another Proposition, it is incumbent upon Ministers to do so. As far as I am concerned, I am going to support the reference back because I do not feel that there is sufficient detail within the Constable's Proposition and amendment. The other point I need to make, of course, is that regrettably he chose, or through circumstances perhaps, he was able to consult with the Chefs Committee only on Monday of this week as we have heard and while they agreed in principle, there were very many questions from them. Of course, if this is carried, then it will be down to the Chefs to undertake all of the operational side of this and it will be up to them to deal with the potential increase in administration. As far as I am concerned, I support the reference back.

The Bailiff:

Thank you, Connétable. Does any other Member wish to speak on the reference back only? If no other Member wishes to speak on the reference back, then I close the debate on that and call upon the Connétable of St. Brelade to respond.

3.2.22 The Connétable of St. Brelade:

I thank Members for their contributions. I am very well aware that this is an emotive subject, especially in the light of having tried in the past to bring in a traffic speed policy when I was Minister some years ago. Curiously enough, the debate was moved on by a former Connétable of St. John but that is nothing against the present one. The devil is in the detail and further information will help smooth the path of this Proposition through the Assembly. I would urge the Connétable of St. John not to withdraw it. It has merit, we need to move forward in that direction, and I would please urge him to consult with his fellow Connétables and the Greffe to give an improved Proposition. The Greffe service has been referred to. Well it is, in my experience, very supportive in helping Back-Benchers with Propositions and I would urge the Constable to take advantage of that, so I move the Proposition.

The Bailiff:

Thank you very much, Connétable. Shortly the Greffier will place a voting link into the chat. There it is. Consequently, I open the voting on the question of the reference back and ask Members to cast their votes in the normal way. Well, if Members are not able to vote through the link, then please

indicate their vote in the chat. Otherwise, if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Proposition for a reference back has been defeated.

| POUR: 19 | CONTRE: 28 | ABSTAIN: 0 |
|----------------------------|---------------------------|-------------------|
| Senator K.L. Moore | Senator I.J. Gorst | |
| Senator S.W. Pallett | Senator L.J. Farnham | |
| Senator S.Y. Mézec | Senator J.A.N. Le Fondré | |
| Connétable of St. Helier | Senator T.A. Vallois | |
| Connétable of St. Lawrence | Connétable of St. Clement | |
| Connétable of St. Brelade | Connétable of St. Saviour | |
| Connétable of St. Peter | Connétable of Grouville | |
| Connétable of St. Martin | Connétable of St. John | |
| Deputy M. Tadier (B) | Connétable of Trinity | |
| Deputy M.R. Higgins (H) | Connétable of St. Mary | |
| Deputy L.M.C. Doublet (S) | Connétable of St. Ouen | |
| Deputy S.M. Wickenden (H) | Deputy J.A. Martin (H) | |
| Deputy K.F. Morel (L) | Deputy G.P. Southern (H) | |
| Deputy of St. John | Deputy of Grouville | |
| Deputy M.R. Le Hegarat (H) | Deputy K.C. Lewis (S) | |
| Deputy S.M. Ahier (H) | Deputy J.M. Maçon (S) | |
| Deputy R.J. Ward (H) | Deputy S.J. Pinel (C) | |
| Deputy C.S. Alves (H) | Deputy of St. Martin | |
| Deputy K.G. Pamplin (S) | Deputy of St. Ouen | |
| | Deputy R. Labey (H) | |
| | Deputy of St. Mary | |
| | Deputy G.J. Truscott (B) | |
| | Deputy J.H. Young (B) | |
| | Deputy L.B.E. Ash (C) | |
| | Deputy G.C.U. Guida (L) | |
| | Deputy of St. Peter | |
| | Deputy of Trinity | |
| | Deputy I. Gardiner (H) | |

Very well, the debate continues. Next to speak is the ... I am sorry, Connétable of St. Brelade, had you finished the speech that you wish to make?

The Connétable of St. Brelade:

Yes, and I would, in conclusion, urge the Connétable of St. John to ensure that the Comité des Chefs are brought into his consideration so that the Proposition can proceed better forward. Thank you.

3.3 Mobile Speed Cameras (P.91/2020) - as amended - resumption

The Bailiff:

Very well, the next Member to speak on the main debate is the Deputy of Trinity.

3.3.1 Deputy H.C. Raymond of Trinity:

What a way to follow. I am really talking almost on behalf of being the Assistant Minister for Infrastructure. I have listened ... and also, as you know, I spent time in the Honorary Police, and I sat on the Police Board in the U.K. and the debate has swayed backwards and forwards. I think if I had not seen the word “principle” my ideas of going left or right or which way I go to vote differs, but it is a principle decision that we are making this afternoon. Speed cameras, without doubt, are a good idea. To the detail of how we operate them or whether road markings are required, well, that becomes a discussion. It is clear that if this Proposition is passed, there are substantial discussions and work that must be carried out before speed cameras are introduced. In terms of the detail, much reference has been made to the operation of cameras in the U.K. and elsewhere. Cameras have been

in the U.K. for some 20-plus years. In that time, we have seen many technological developments and the rules which were created in the U.K. for that technology do not mean anything today and we can do it ourselves. If this Proposition is supported, the details of how the cameras will operate surely should be discussed and developed by the Minister with other stakeholders, and this has come out from everybody. Such as the Constables, the Honorary Police, the Minister for Home Affairs, and S.O.J.P. Through these discussions, issues such as whether S.O.J.P. can also operate speed cameras can be resolved as well, in other words, we can do the package. Today's debate is to determine whether the principle is supported, and it is worth the work involved to develop detailed proposals. There is concern about the introduction of cameras will impact on the Parish processes to deal with offenders. Again, that can be discussed, and I certainly take the points of view that have been made by the Constables who, as you know, I know quite well. The Proposition does not include any changes to the existing procedures or any method to deal with the potential influx of offences detected. Some Members have spoken in favour of alternatives but there are other ideas rather than proposals for debate today. This is clearly a matter for further consideration and debate, but such a debate is only necessary if today's Proposition is passed. This Proposition is only asking for the Honorary Police to be given an additional tool. It does not require them to use it by letting S.O.J.P. work with the Honorary Police, as we have seen happen successfully many times around the Island. They can choose when and how to deploy whatever tools they have to best fit within the resources available. We have heard from many speakers that speeding is a concern. Of course, it is a concern. Indeed, the Road Safety Action Plan, which has been mentioned on many occasions, which was adopted in 2016, identifies speeding as an issue. The introduction of speed cameras was not an action point in the plan as it did not have widespread support at that time. However, speed cameras would support the work of that plan and surely contribute to delivering our casualty reduction plan. The Road Safety Action Plan includes an action to review speed limits across the Island, to provide some consistency between Parishes. This has been a difficult project to deliver given the historical inconsistencies, yet it is progressive. At present, inconsistencies do exist because the project is not complete, but many Constables will be aware of the work in their Parishes to review the speed limits in line with an Island-wide framework. Today's debate is to decide whether further work should be carried out to introduce a new tool to the police toolbox to help reduce the rate of injuries on our roads. This surely must seem a good idea. The details can be investigated, discussed, tested before legislation is brought forward. There is always an issue with regards to finance, both from the cost of the law officers' time and also buying the camera. When that legislation is brought forward, this Assembly will have the opportunity then to debate the details and at the time the ... which everybody could be a part and all 49 of us must surely be there to support something like this. If this Assembly does not like those details, that is the time to vote against it, not now. Let us get the ball rolling, let us get this issue of speeding in our lanes and on our roads sorted over the next 12 months and leave it to the Minister for Infrastructure and the Minister for Home Affairs to come back with something that we can all get our teeth into and see where we are going.

3.3.2 Deputy I. Gardiner:

I will try not to go over the points that are made already. In the first 2 weeks that I have been elected in 2019, I have been contacted by residents regarding excessive speeding in my District. St. Jean Road, which I share with St. John, La Pouquelaye, St. John's, Tower Road. Parish and Infrastructure work together to monitor and basically a very small number, between 5 and 10 per cent of the drivers, create this unsafe feeling on the road and excessive speeding. Most of the residents were really surprised to see because when they try and step down on their road, they feel that it is just impossible. On Tower Road, we monitor in excess, about 55, I think, if I am correct, on the bend, and it is dangerous. So, we all agree it is dangerous but at the end of the day it is about enforcement. We all know that we have an increased amount of traffic, but we do not have increased amount of resources to monitor it.

[15:15]

Our Honorary Police and the police work really hard to enforce speed limits and I had several emails exchanged with the St. Helier Honorary Police, they try to do their best but they just do not have resources to put their police force on all these roads that we have in St. Helier. I have to congratulate the Constable for bringing this Proposition forward. When I spoke on my reference back, I mentioned how many meetings I had, and I tried to develop a very detailed Proposition to address all concerns and I was just drawn into this. I always need, as Members know, a perfectly combined Proposition and I did not manage to do this. When the Constable decided to come forward with a simple, in-principle mobile cameras composition, I was really, really happy and supportive in this because we need to move to the 21st century. Deputy Tadier mentioned in his speech about fixed cameras several times. I would like to make clear, it is a mobile camera, it allows flexibility to the Honorary Police to decide how, where and when to use this within the law that will be developed by the Infrastructure Department. Yes, we might use it to different offences. We had several conversations at St. Helier about red light runners but, again, it will be discussed in the States and if it will be adopted or rejected by the States later, it is a decision for later on. We need to in-principle agree, go forward with developing legislation that develops legislation, not agreeing the principle. This I think is the other way around. There is a list of other things like fixed penalties, possible points system and more that has been raised and discussed over the years, but as the Deputy of Trinity said, it is just an additional tool. We are in the 21st century. It is a green principle to use the tools that are available in the 21st century and on the details, we can discuss and agree or disagree later, just to move forward to the 21st century.

3.3.3 The Deputy of St. Martin:

I wish to make 3 quite quick points, if I may. The first one is that there is clearly a problem with speeding on the Island. My parishioners in St. Martin have to tolerate these fast vehicles being driven through our Parish late at night and during the day, just like other Islanders. The second point is that there is clearly a desire within the Assembly by Members as they have discussed to address the issue and to get on and sort it out, and the third point is that there is clearly a lot of work to be done on this Proposition, a huge amount of work on costings, information, consultation, Scrutiny come to mind. I urge Members to vote in favour of this, let the relevant Ministers go away, take some action and come back to the Assembly just as soon as they can so we can get on and get speeding under control in the Island.

3.3.4 Deputy K.F. Morel:

In the debate on the reference back, one thing struck me which was suddenly, and it was barely mentioned in this morning's session, this Proposition was being touted as an in-principle decision. In the original Proposition as lodged unamended I could agree with that. It was very simple. It just asked are the States of the opinion to enable the Honorary Police to use mobile speed cameras and to introduce stricter sentences for motorists who are found guilty of travelling 30 miles per hour or more over the speed limit. The trouble is the Connétable of St. John amended his Proposition I have a funny feeling, and this is only a feeling with no evidence, at the behest of the Minister for Home Affairs to include part (b), to permit the data recorded by such cameras to be admissible as evidence in any criminal case. That moved this Proposition away from being one that is in-principle to one that touches on huge areas and these areas have not been debated today. Everyone is so focused on this idea of if we bring in speed cameras, we will stop speeding, but nobody is looking at part (b). Part (b) is a fundamental attack on our freedoms in Jersey. Part (b) is setting up the beginnings, or the end, of a surveillance state. That is certainly what it could be, but because we have no information about what this means we would, if we just took the in-principle idea, be giving power to the Ministers to go off and set up a surveillance state without us knowing anything about it or understanding what the ramifications of part (b) are. I fundamentally disagree that all 3 aspects of this are an in-principle decision. They are not and I really, strongly urge number one, the Connétable of St. John to separate this into 3 separate clauses when he goes for a vote and hold 3 separate votes,

because I can personally go with the idea of enabling the Honorary Police to use mobile speed cameras, I can go with the idea that there should be stronger punishments for people excessively speeding, but I cannot go with the idea that we set up a surveillance state, which is exactly what part (b) does. If he does not separate part (b) from the rest of this Proposition by allowing us separate votes I will have to vote against the whole Proposition in principle or not, because if we pass this with part (b) included then it is not just in principle. We are then telling the Ministers to go off and bring that back to the Assembly, that they can use cameras set up all over the Island to prosecute any crime in the Island. We are telling them to set up a network of cameras for surveillance of Islanders. That is not an in-principle decision that we should give to Ministers in what, to be honest, has been a half-baked debate, where nobody has looked at the important detail that is in here. No, this is not in principle if we include part (b) in there. We are giving a huge amount of power to Ministers and we will not have any recourse afterwards. This is another issue that I have when people say: "Oh, it is in principle, it is in principle, it is in principle." Well, it is funny because I have a funny feeling that if the Minister went off, came back with a Proposition that we did not like very much the Minister is very likely to say: "Well, you voted for this. You have got to pass it now." That is the way it works. I have seen it work in my 2 short years in this Assembly, I have seen that happen again and again: "Well, you did vote for this, so you have got to pass it." Well, no, I am sorry, we cannot allow a gun to be held to our heads in that way and so I urge, number one, the Connétable of St. John to please split this into 3 separate parts. Certainly, from my perspective I would be able to vote for (a) and (c) but I cannot in any good conscience vote for part (b) without understanding what kind of parameters are around these cameras. How are they triggered? What information and data are they gathering that would then be used to possibly criminalise Islanders who are just going about their business in the Island, unaware that they are being surveyed, that they are being spied upon? The thing with mobile cameras is you do not know where they are and you do not know what they are doing, so part (b) does sound to me like an authoritarian paradise that you would be setting up there. Please do not under any circumstances vote for part (b) and if the Connétable of St. John is unwilling to separate his Proposition into those 3 parts then I urge the Assembly to vote this down, because you are giving away far more than just allowing the Minister to come back with some legislation about mobile speed cameras. You are giving away with part (b) or setting up with part (b) the beginning of a surveillance state in this Island where Islanders will not know when the Government is spying on them. So all those who are naive enough to believe this is just in principle, I ask you to read what you are voting on and think hard about what you are voting on, because part (b) is a principle that we should never allow any Government to have where they can just set up cameras wherever they like and spy on the Island citizens. Please bear that all in mind and, the Connétable of St. John, I implore you, please separate your Proposition into the 3 sections so we can vote on it separately.

3.3.5 Senator K.L. Moore:

I thank the previous speaker for his speech, because it raises a very important matter and I will not rest on that, but I do wish to share that along with many other Members there appears to be a certain amount of concern and disquiet today in the Assembly, as this Proposition by its very nature seems to have something rather bizarre and very poorly-managed about it. As a Constable himself one would expect that the proposer would have taken the time to consult with his colleagues on the Comité to ensure that what was being proposed was indeed acceptable and workable in the opinion, and it is rather disappointing that that has not been done. That then leaves Members to ask themselves whether this Proposition was brought at the behest of others to assist them in another cause. I would like to repeat the words of the very wise Constable of St. Lawrence, who in the previous debate suggested that a Proposition of this sort should really be brought by either the Minister for Home Affairs or the Minister for Infrastructure, and it is rather bizarre and uncomfortable that neither of them have sought to do so themselves and have not really been able to express to the Assembly their reasons why they have not done this themselves. I would like to see this divided as a Proposition so that we can vote on it separately. I have slightly different reasons than the previous speaker, however

I can see that part (a) of course is in principle and, as the previous speaker said, we should not get into the weeds of hamstringing the future legislation that might come in relation to this Proposition by dictating certain elements of detail that should underpin it.

3.3.6 Deputy C.F. Labey of Grouville:

I realise that speed and road safety is very important to our constituents and I often receive complaints about it. I have been quite confused during this debate, I must confess, that a lot of speakers have mentioned the words “in principle”. I have not found the words “in principle” in any of the papers before me, so I am a bit confused by that. Also, the Constable of St. Brelade brought forward the reference back and I must confess I feel that, as chair of the Scrutiny Panel, perhaps Scrutiny could have contributed or called this particular Proposition in to look at it and perhaps give it a bit more beef, if you like, and make some recommendations on it. My own recommendations on this, if it goes through and I hope it does because it is a step in the right direction, because as I say there are many constituents that are very concerned about road safety, but if it is brought back I would like something about a consistency with our road speeds. At the moment they are all over the place. We have been waiting for many years for a proper road safety speed limit, policies and road safety strategy. It is so inconsistent at the moment. We can drive down main roads at 30 miles per hour, then you turn into country lanes and it is permissible to drive at 40 miles per hour, which gives rise to unsightly signposts all over the place down country lanes. Probably now the only 2 roads in the Island that are worthy of 40 miles per hour are Victoria Avenue and Five Mile Road, given the amount of traffic there is about. I would like, if this is going back somewhere the Minister for Home Affairs, the Minister for Infrastructure and the Comité des Connétables to take this issue and look at it holistically, so that instead of driving down roads and lanes and finding speed signs all over the place we can have a consistent policy, a consistent manner in which we can drive on the roads in Jersey.

[15:30]

3.3.7 Deputy R.J. Ward:

I have had trouble with my connection there so I will leave my camera off too, but you should be able to hear me. It is a strange debate, this one. There are several points that I would like the Constable of St. John to answer before any of this can receive my support because I think unless we know, have some idea, how this is going to look then supporting blanket part (a) is risky and I will explain why. There are points as well that I really do not think have been explained. The sentence “introduce stricter sentences for motorists who are found guilty of travelling 30 miles per hour or more over the speed limit” seems very arbitrary and it is the only detail that is there. If we are just going to pass Propositions that give a blanket, open ability for the Minister to come back later on and say: “Oh, by the way, what I mean is this, something completely different from what was written on the Proposition” that is very risky. I do understand the problem for non-Executive Members bringing Propositions with the lack of support, which is improving and they will not be perfect, as no Proposition is perfect, but I think there are levels of whether the detail is acceptable to the Assembly and we do need to look at that. There is no information on what stricter sentences are. We seem to be voting for an open cheque book of sentences. I have no idea of the level of sentence for that speeding we are talking about, and that is why I asked about criminal offences and when they would be applied. That seems to me to be irresponsible of the Assembly to simply give that open cheque book and it is in that sort of area that clarity is vital. I too have not seen anywhere the words “in principle”. It seems to me that it can be invented when it is convenient, and that is not the way this Assembly runs. In terms of enabling the Honorary Police to use mobile cameras, I am not precisely sure what that means. Are they ready to do this? It appears that there is not common backing, and how would it be funded? There is no costing in the Proposition, it was mentioned by Deputy Le Hegarat before, and she is absolutely correct. Negligible cost is not something that can be explained, and I think is relevant to this. This brings me to the issue of the use of fines and the income from them. The report does refer to “few prosecutions” so are we simply looking to prosecute more people

to raise income for the Parish or Government? The reality is that once an income stream is created, we become reliant upon it, a gradual shift to a change we cannot reverse or indeed, in the end, control. That changes the nature of what we are doing. That is about how the cameras will be identified as well. This is the key. If they are identified they are a deterrent. People know there are cameras there and they slow down. That is the outcome of this, not as a revenue-raising issue. Otherwise they are simply there to punish and catching someone who is speeding has not stopped them speeding. They are already speeding, and the risk is already there. There is a point made by the Minister for Infrastructure of overloading the Parish system. That does need to be considered. I ask is that really what we want? The identification issue raised by the Constable of St. Peter, we could be installing ineffective and very expensive equipment for an outcome that we are not certain of, and I think we do need to know more about that. We need to have more work on people's attitudes on the roads, why they speed and the consequences before we simply apply more punishment. People's understanding of why they are travelling, where they are travelling and the dangers of that are simply not there and if there was a generation that can be so easily identified then surely it can so easily be intervened with in order to make change. There is also the issue of speeding being a criminal offence, so we have many people who are being criminalised for being a few miles an hour over the speed limit. Yes, I recognise that is an offence but is that the way we want to go? This is a change to the nature of policing on the Island and we are seeing gradually a more punitive approach to how the population will be dealt with. As an Assembly we need to be very wary of this. It is a gradual acceptance of change and when you look back in 5 or 10 years' time it will be a very different approach and we will have let it drip-feed through and the culture of the Island being such a nice place to be could be lost. Are we simply moving along a path of a more draconian society? The issue over data is important. If we are collecting data what are we going to do with it? How will it be used? How will it be stored? What assumptions will be made for it? That needs to be addressed. For me at this point there are too many flaws in the Proposition, too little detail and too much leeway for those enforcing it to gain my support. I am concerned that Members can see this as a matter of principle when there are specific parts that are flawed. I also feel it should be withdrawn and greater clarity produced but that does not look like it is going to happen. What I will say, and perhaps I should not cynically say, is that you are probably safe voting in its poor form as nothing will happen, as with most Propositions that come to the Assembly. I wonder whether the vague nature of it is beneficial in this process of delay. There have been policies of road safety that simply have not been applied. With that said I will need convincing to vote for this. I think it is too much of an open cheque book for a change to be made that we do not know will be effective. I have huge concerns with this Proposition as it is.

3.3.8 The Connétable of St. Lawrence:

I am prompted to speak by the comments by the Deputy for Grouville. She complained about the very wide-ranging differentials of speed limits across the Island and she urged the Constables to work with Infrastructure to resolve that. I would like to refer back to what I said in the debate on the reference back for this, and to remind all Members who were in the Assembly in 2016 that at that time the Road Safety Action Plan was agreed and it included a plan to review speed limits. There is a framework that was agreed in that plan and I am going to indulge myself by reading to Members what that framework is: "All-Island maximum speed limit of 40 miles per hour. All-Island maximum limit for vehicles over 3.5 tonne or towing trailers of 30 miles per hour. All roads in the urban and built-up area, with extensions into rural areas where appropriate 30 miles per hour. Village centres are at 20. Residential areas, not through routes where pedestrian and cyclist movements are high also 20 miles an hour, as are tourist bays where pedestrian and cyclist movements are high. Part-time 20 miles per hour applies to electronic signs outside schools" and of course we know that green lanes are 15 miles an hour. I just want to give a very brief résumé of the process that is being undertaken at the moment between the Department for Infrastructure and the Parishes as a result of the Assembly approving this Road Safety Action Plan in 2016. I am pretty certain that St. Lawrence was the first

Parish to begin working with the department on this, following that approval and we began to consult with parishioners about speed limits in May 2019 and we held drop-ins at the Parish Hall a couple of times, including a Saturday morning, to encourage as many people as possible to take part. We had many responses, including interestingly responses from people who do not live in St. Lawrence. The outcome of the consultation was that people appeared to be against the principle of reducing speed limits and what we do know as Constables, and we have heard this mentioned earlier in the debate, is that the majority of complaints that we receive are about speeding, but I would add that the majority of requests that we probably all receive as Constables in relation to speeding is that people want the speed limit outside their home to be reduced to 15 miles per hour, because that suits them, of course. We have explanations of why it is difficult for them to access and exit their properties, so 15 miles per hour is a much better solution for them than having a higher speed limit on the road in which they live. As I mentioned earlier, we did undertake the consultation. We had a Parish Assembly in I think January of this year and the outcome of that Assembly is that 17 roads within St. Lawrence will have changes made to the speed limit. I wanted to advise Members about this and to reassure the Deputy of Grouville that progress is being made with the Department for Infrastructure and Parishes, but of course, as we know, most of these day-to-day matters that we are all dealing with have been put on hold due to COVID, so I know this is running behind, but I am very pleased to say that we worked very closely with the transport planner and officers within the Department for Infrastructure. To come to the Constable's Proposition, we have heard mentioned that he spoke to the Chefs only on Monday of this week and regrettably the Constable was not able to address the Comité des Connétables in person on this, and we are grateful to him for deferring the Proposition to today to enable us to consult with our Chefs ourselves. Clearly if this is approved today then, as I said in my deferment speech, the responsibility for this will be with the Honorary Police across the Parishes. What concerns me again is the lack of consultation that has taken place with them. They have not been able to fully express their views on this in any way other than at the committee meeting on Monday evening. I am still not sure whether or not I am going to support this Proposition as amended by the Constable of St. John. When it comes to costs, I read in the financial and manpower implications that several Constables have already been consulted on the possibility of purchasing and sharing a limited number of mobile speed cameras. That does not include me. No one has mentioned it to me at all. I have not been consulted. I have no idea how much it would cost the parishioners of St. Lawrence if this was to be introduced. That gives me cause for concern. It is interesting to read that the Proposition has been developed to be possible within the existing staffing resources of the Honorary Police. I have no idea how many Honorary Police officers would be required to manage this if these speed cameras are introduced, unattended clearly but they would need to be set up, they would need to be checked that they are operating, the data would need to be collected and reviewed and, of course, would those people who were not speeding be called to a Parish Hall Inquiry?

[15:45]

Would we have sufficient officers to deal with Parish Hall Inquiries? There are far too many unknowns, I think, for me at this stage, but as I said I will listen carefully to the Constable when he sums up and I will make my decision then on whether or not I am going to support him.

3.3.9 The Deputy of St. Peter:

I think I made my thoughts quite clear in my brief words in the reference back, however I have to accept that Deputy Morel has introduced some fog into my mind on (b), the storage of data as a result of the collection from the cameras. I am not totally convinced about this. I think most big cities in the world thrive on C.C.T.V., Singapore primarily. I do not believe this is Big Brother and I have read it that: "... the data recorded from such cameras to be admissible as evidence in any criminal case." I do not see that as widespread use. However, I will hold judgment on that until such time as the Constable has responded when on Hansard his views will be absolutely clear if this Proposition is accepted. I would like to draw attention to something that my ex-colleague in Scrutiny, Deputy

Ward, came up with. I genuinely believe the motivation behind this from the Constable of St. John is the activities that go on in the early hours of the weekend mornings in, I will say, the northern Parishes, the country Parishes. I am not going to repeat what the Constable of St. Ouen confirmed; it is effectively like *The Cannonball Run*, I do not know if anyone remembers the movie from the early 1980s when there was an illegal car race across the U.S. from New York to Los Angeles. I do believe that markers are sent out early to find out where the Honoraries are stationed and a phone-back to say that the coast is clear, and the race begins. It is this that deeply concerns me. It may be small in numbers, but it is likely to be huge in consequences and I think it was the Constable of St. Clement who said there were people who were seriously injured as a result of a crash. That is one thing and I feel for them and their irresponsibility, however it is only a matter of time before some innocent bystander is seriously injured, if not worse. I can imagine somebody going off at dawn at 25 miles per hour in their car to go early morning fishing being an example of what could happen. I ask everybody to support this. As I said in my reference back, let us start the process. My Parish are very keen to address speeding and I have given a commitment to them; therefore, I will support this with my vote. Let us get the process underway and adjust this fundamental problem in our Island.

3.3.10 Deputy S.M. Wickenden:

I will get this over and done with. I feel that Deputy Ward made really good points in a great speech there - deep breaths - and Deputy Morel made a great point as well about where (a), (b) and (c) are acceptable and what they could mean. Of course (a) is not prohibitive. It does not say that only the Honorary Police are to use unattended mobile speed cameras. It does say that they could use them and there is nothing prohibitive for it to come back and say that it could be a wider use within what is being asked within this Proposition. Deputy Huelin, the Deputy of St. Peter, just mentioned about scouting, where with the boy racers somebody goes off scouting the route ahead to see if there is an Honorary Policeman or a policeman up the road, but they can scout to see if there is a mobile camera up the road as well. This will not fix the situation of somebody scouting a route to check that there are no cameras at 3.00 a.m. and then the racers would use that route. There is an area where I am worried about these unattended mobile cameras, which needs to be looked at again by the Ministers and the Constables, which is when an Honorary Policeman is standing at the side of the road or a policeman with a camera they are situated in a place where they can be seen and they can take a pragmatic approach about what the speed is and what happens. We have holidaymakers over here. Could every Constable and the Minister for Infrastructure give me a guarantee that every road in Jersey is signed clearly and openly enough that somebody who was on holiday would not get caught by a camera because the signage was covered up by an overgrown tree or the likes? Then we start sending the holidaymaker a fine for going over a speed limit when it was not clear to start with, then there needs to be an appeal process. What is the appeal process? The difference with these unattended cameras to a person holding a camera is they can take a pragmatic approach about what happens. With these unattended cameras are we going to be doing fixed fees? Is that it, you are caught, you are over the limit and you just get a fine? Will they be hidden? Will they be out on an open site? There is so much about what these unattended mobile cameras' unintended consequences are that it makes me feel very uneasy, and certainly the idea that the signage might not be up to scratch in every road to give people a clear, expected understanding of what the speed limit is in that road. It is where the Constable of St. Lawrence said, everyone wants a 20 miles per hour speed limit outside their homes, not that that slows speeding down to people who do not pay attention to such, but nobody wants a 20 miles per hour speed limit outside someone else's house. There are always big protests if somebody wants a 20 miles per hour speed limit somewhere because they have to drive there to get to work and they do not want to be slowed down. I think the issue about how these unattended mobile speed cameras will be used is, to me, not the right way of doing things and there is not enough information. As much as I would like to vote for (a) and (c) I am still having trouble to see that we are in a place right now that these are easy to use or not going to have unintended consequences in this Island because the human aspect has been taken away and it is purely an

administrative role from now on. Is that just going to create a revenue-raising issue? As they are done through the Honorary Police, is this Assembly going to have to ask somebody questions about how many fines have been put through? How many appeals were upheld? What is the increase in the level of people being caught speeding or the reduction in complaints about speeding? Do we ask the Comité des Connétables? Maybe the Constable of St. John can tell us if we can ask in this Assembly for that information to have openness and transparency for our constituents within the States Assembly or will it be hidden because the Honorary Police fall under the Attorney General? I do not know. Maybe I could hear that information. At the moment I am not convinced that this is the way to go forward or it is going to fix the problem that it is being sold to us to fix. I think what it will do is create a good revenue for the Parishes and a misery for the Islanders.

3.3.11 Deputy G.C. Guida:

I have followed the debate and I thought it said almost everything, but I would like to present a few material facts. Section (b) of the Proposition has been queried and I think it might be interesting to talk about this. I will ask the Attorney General to stop me if I am saying something that is untrue but basically any material evidence is admissible in a criminal trial, so it does not matter, unless it has been produced illegally in which case the court can decide otherwise, any evidence can be used, which means that we do not really need to request it. I think this was put in a little bit by accident because in the same way you can measure the speed of a vehicle any way you like; that is not a problem. However, for that measurement to be admissible in court as evidence it needs to be circumscribed very carefully. It needs to be an approved device that has been checked recently, that is used under extremely specific protocols. I think what the Constable of St. John was trying to do there is that we would like to measure speed unattended and, second, we would like this measurement to be admissible in court. It is not a sudden encroachment on people's privacy and civil rights. That happened 20 years ago; it is done, it is finished. If somebody takes a picture of you by accident committing a crime that picture can be used in court. This will absolutely not change that. The other thing that keeps being muddied is that speed cameras take one picture. They take a single picture if the vehicle passing them goes above a set limit, so we can set up a camera somewhere in the Parish on a lane and say: "I want this to take pictures above 75 miles per hour", come back in the morning and maybe have one picture on them. We do not need to record every single car passing by. We do not need to record everybody going at 60 miles per hour. You decide what you want. The other thing is it is not video-recording everything that has happened in the Parish the whole night. It is taking a single picture of a car that has sped past a set limit, which is programmable if you decide which speed is of interest to you. If we put a camera in St. Clement on the waterfront in the evening and set it to catch anybody going above 30 miles per hour half of the vehicles, we would get half of the traffic. We do that regularly. All the smiley faces, all the little speed displays that you have in the Island, which give you a smiley or a frowny face, also record the speed of all the cars passing, so we know exactly how many cars speed in those areas. We do not know which cars because a picture is not taken, but we have a very good idea of how many cars are speeding. That is for everywhere you have a smiley face. It is a very simple resource to decide that is okay. We know that people drive at 32 miles per hour, so we are not going to bother with that, but anybody going above 55, that is important to us. It is very easy to get this right and to apply just the right pressure. The last thing, and which is really important, is this is an enabling policy. It allows us to do something if we really want to. Again, if S.O.J.P. is not interested, they do not need to start this and go doing it. If any of the Parishes think it is not important to them, they do not need to do it. It is an investment, indeed, and as far as I can see there is only one camera that is available on the market that could be made legal for use in Jersey, a single one, and yes, it is very near £20,000 of investment. It might be worth it if we manage to curb certain speeding practices in the Island. If we save a couple of lives in the next 10 years maybe it is worth spending £20,000, but we are not forcing anybody. We are not saying: "This is going to be a new standard and every Parish is going to have 15 of them" and put them everywhere. This is really not what the Proposition is about. It is just an enabling Proposition

which realises very clearly and completely candidly that there is a lot of work to do with this to do it properly.

[16:00]

Yes, we need to choose a camera, yes, we need to calibrate them, yes, we need to train the people who are going to use them and set up the framework to make sure they are not going to be abused, and that is fine. That is the work of the Minister for Infrastructure. I think we can very safely vote for (a) and (b). (b) is very scary but it does not matter whatsoever; it is something that is naturally occurring on the Island. (a) means we give somebody the vague possibility of doing something if they really want to. (c) I am not sure I would vote for, quite simply because the court already has many tools at its disposal to punish people they think have done something dangerous, so we could ask for (c) but it means spending money writing new laws for a resource that will probably not be much better than what we already have. So, I am not sure about (c) but certainly (a) will just help the Island and (b) does not mean anything. You can vote for or against it and it makes no difference whatsoever.

3.3.12 Deputy M.R. Higgins:

I found the debate very interesting, as I think most Members have. It has gone all over the place and I think I agree with the view that it has been a bit of a dog's breakfast. I think we can all agree, though, that we have a major problem with speeders, and we have to do something about it. There are different ways it can be dealt with. What is happening here is the Constable has put forward that we have these mobile speed cameras and that data recorded from them should be used in evidence and then he wants stricter sentences. To be honest there are other technical means of dealing with the speeding problem. For example, and I am not advocating it, but it is another form of technology, younger drivers could have their vehicles fitted with governors that would limit their ability to speed, or even older drivers could have limiters put on that would limit their ability to speed. We need to look at all other forms of technology and not limit it to this particular type of technology. I do think that on this particular one we have gone all over the place. I have listened to the arguments back and forth and my inclination is to vote against it, not because I am pro-speeding and do not want us to do something about it. I think it needs to go away and I honestly believe we should pass it to the Ministers, the Minister for Home Affairs and the Minister for Infrastructure, the Ministers who are responsible for this area, to go away and come forward to the States with a shopping list of options which Members can choose so that we have a comprehensive policy to deal with this issue. I am putting on record that I am against the speeders; I do not accept that I am going to encourage it and I do not want to do anything about it, but this particular Proposition is not the way that I feel we should be going. I shall vote against all parts of the Proposition and if Ministers do not bring it back maybe I will join in and bring a Proposition myself in the future.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the Proposition? If no other Member wishes to speak then I close the debate and call upon the Connétable of St. John to respond.

3.3.13 The Connétable of St. John:

I thank Members for all their input. It has been a very long and lively debate; which I confess I did not expect. I thought it was reasonably simple and straightforward to request the Minister for Infrastructure to bring in unattended mobile cameras, that the data from those cameras can be subsequently used in court and to introduce stiffer sentences for speeding. When we looked at the third part, (c), about stricter sentencing perhaps it is a mistake putting in the figure of 30 miles per hour, just rather simply greater sentencing. It is of course for Members to decide but going through the notes I have made there are a large number of people who are speeding, and this is a problem. This has come out very strongly in the debate and so very simply we have identified a problem and

I would like to do something about it, pure and simple. Senator Farnham made an extremely good point at the beginning. What we need is a traffic strategy for the Island. I know there was one set up some 14 to 15 years ago looking at speed limits and I do not want to labour the point but if you drive from St. John down through St. Lawrence to Mont Félard you go through 7 different speed zones. That really is confusing for the motorist and it brings forward the point there is no point in having 20, 30, or 40 miles per hour speed limits unless we have the means to enforce those speed limits. It has been mentioned many times about the amount of data we might get from speeders. I hope firstly the thought of mobile cameras will slow traffic generally and we will get fewer speeders and therefore fewer people will be inclined to push the limits a little, if I can use that expression. There is an enormous fear and quite rightly so from the Comité des Chefs about the volume of speeders they could receive from Parish Hall Inquiries. That is why it is so very important that the correct legislation is brought forward, and we tackle the problem in a properly managed way. I sincerely hope that most, if not all, of the points will be picked up by the Minister for Infrastructure that have been made in today’s debate when he comes forward with legislation; the most important being that he will need to consult, and I know that this will be done. There is a lot of consultation that needs doing because there are so many interested parties involved. I was concerned a little bit about Deputy Morel’s suggestion that part (b) was effectively Big Brother trying to spy on the motorists. This is not and was not the intention. Part (b) was put in because it allowed the data recorded to be used in court. There is no point in allowing unattended mobile cameras to be used if the evidence they have cannot be used in court, so that was the reason. I did change the wording “in any criminal case” simply because it might pick up somebody going through a red light or it might pick up somebody going the wrong way down a one-way street, in which case it would be wrong not to take action accordingly. Deputy Wickenden raised a very good point about signage, particularly with regards to visitors. If somebody is driving and they do not know what the speed limit is they could receive a fixed penalty notice. That is why I am vehemently against fixed notice penalties and that is the glory of the Honorary Parish Hall system. It enables the motorist to attend the Parish Hall, to give his reasons in a face-to-face discussion and the discretion of the Centenier can be used. It is a fantastic system and it is envied throughout the world and I would not do anything that I felt might endanger such a jewel in our crown. In coming back with the necessary legislation, the Minister will need to provide the necessary evidence to support the changes in the law that we are seeking. I am sure and I am confident that with the data they have they will be able to come back to the Assembly with a well-researched and suitable law to introduce on this Island. Finally, I would like to thank the Greffe’s department for their help in putting together this Proposition and Deputy Gardiner, who has also had a valuable input. I would like to take the Proposition in 3 parts. That is the will of the Assembly, I believe, and so I ask for the *appel*.

The Bailiff:

Thank you very much, Connétable. The Connétable has agreed to take the Proposition in 3 parts, so the first part is part (a) which is: “To request the Minister for Infrastructure to bring forward legislation to – (a) enable the Honorary Police to use unattended mobile speed cameras” and I will ask the Greffier to put a vote into the chat and it is there, so I open the voting and ask Members to vote on part (a) in the usual way. If Members have not been able to use the voting link then feel free to vote on the chat, but if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (a) has been adopted.

| POUR: 33 | | CONTRE: 13 | | ABSTAIN: 0 |
|--------------------------|--|----------------------------|--|-------------------|
| Senator I.J. Gorst | | Senator S.Y. Mézec | | |
| Senator J.A.N. Le Fondré | | Connétable of St. Lawrence | | |
| Senator T.A. Vallois | | Connétable of St. Brelade | | |
| Senator K.L. Moore | | Deputy G.P. Southern (H) | | |
| Senator S.W. Pallett | | Deputy M. Tadier (B) | | |
| Connétable of St. Helier | | Deputy M.R. Higgins (H) | | |

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

The Bailiff:

We come now to a vote on part (b), which is: “To request the Minister for Infrastructure to bring forward legislation to – (b) permit the data recorded by such cameras to be admissible as evidence in any criminal case” and I ask the Greffier if he is able to put a link to that vote in the chat. The link is there, and I ask the Greffier to open the voting and Members to vote in the usual way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

[16:15]

Part (b) has been adopted.

| POUR: 25 | | CONTRE: 22 | | ABSTAIN: 0 |
|---------------------------|--|----------------------------|--|-------------------|
| Senator I.J. Gorst | | Senator T.A. Vallois | | |
| Senator J.A.N. Le Fondré | | Senator K.L. Moore | | |
| Connétable of St. Helier | | Senator S.W. Pallett | | |
| Connétable of St. Clement | | Senator S.Y. Mézec | | |
| Connétable of St. Saviour | | Connétable of St. Lawrence | | |
| Connétable of Grouville | | Connétable of St. Brelade | | |
| Connétable of St. John | | Connétable of St. Peter | | |
| Connétable of Trinity | | Connétable of St. Ouen | | |
| Connétable of St. Mary | | Connétable of St. Martin | | |
| Deputy J.A. Martin (H) | | Deputy G.P. Southern (H) | | |
| Deputy of Grouville | | Deputy M. Tadier (B) | | |
| Deputy K.C. Lewis (S) | | Deputy M.R. Higgins (H) | | |

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

We then come to the last part of the Proposition, which is: “To request the Minister for Infrastructure to bring forward legislation to – (c) introduce stricter sentences for motorists who are found guilty of travelling 30 miles per hour or more over the speed limit.” I ask the Greffier to put a link in the chat and open the voting. I ask Members to vote in the normal way. If Members have had the opportunity to cast their votes, then I ask the Greffier to close the voting. Part (c) has been defeated.

POUR: 21

Senator J.A.N. Le Fondré
 Senator S.W. Pallett
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Saviour
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Connétable of St. Mary
 Connétable of St. Ouen
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy G.J. Truscott (B)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy J.H. Perchard (S)
 Deputy I. Gardiner (H)

CONTRE: 26

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.Y. Mézec
 Connétable of St. Brelade
 Connétable of St. Peter
 Connétable of St. Martin
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy J.M. Maçon (S)
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy of St. Mary
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy K.F. Morel (L)
 Deputy G.C.U. Guida (L)
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)

ABSTAIN: 0

4. Establishment of a digital register for all commercial and residential properties (P.91/2020)

The Bailiff:

The next item is Establishment of a digital register for all commercial and residential properties, P.91, lodged by Deputy Higgins and I ask the Greffier to read the Proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – (a) to request the Council of Ministers to create a digital register of all commercial and residential properties in the Island that contains details of the ultimate beneficial ownership of those properties for the purposes of aiding policy formation and if necessary the regulation of the housing and commercial property markets; (b) to request that the register be operated on behalf of the States of Jersey by the Jersey Financial Services Commission; (c) to request that the register be established by the Council as soon as possible and not later than the end of 2021.

4.1 Deputy M.R. Higgins:

Can I say first of all that I hate to disappoint Members? This speech is going to be not a short one as I normally do. It is going to be quite long and part of the reason for this is the fact that the Council of Ministers only produced a comments paper which I had access to last night at 11.00 p.m. and therefore I want to respond as well to the comments they have made because I believe it is false and erroneous in part, and I want to explain why I believe that. To start, in my 2008 election manifesto I stated one of the reasons I was standing for the States was that I was concerned by the fact that our children cannot afford to buy a house or flat and are thus being forced to live at home with their parents or have to pay excessively high rents, often to overseas investors who own the property or they are being driven from their home. I would like to ask Members, and I am sure members of the public would tell us, what has changed over the last 12 years? The majority of our children still cannot afford to buy a house or a flat. Many are still forced to live with their parents. Many are paying excessively high rents often to overseas investors who own the property and many of our children are leaving the Island because they see no prospect of ever owning their own home or if they do own anything it will be a one or 2-bedroom flat, which will not give them sufficient room for a family to grow and thrive. The States, and by this I mean successive States, have failed the people of this Island repeatedly by failing to deal with this problem and the public are fed up with this and have absolutely no confidence in our ability to deal with it. It made no major progress in providing our children with sufficient affordable housing with the possible exception of enabling Andium to borrow millions of pounds to upgrade their existing housing stock that had been allowed to decay through neglect and to build some new social housing that, though welcome and a start, is still insufficient to meet the current and future demand for housing in the Island. In fact, we will never be able to meet the demand for housing in this Island because it is insatiable. Why do I say this? Because for most of the 12-year period our population has been growing well in excess of our ability to supply housing. We will never solve the housing problem when we have net migration per annum, by that I mean immigration, which is running roughly 4 times the Government's stated targets. The first pre-requisite to meeting our housing needs is to have and keep to an agreed population policy. Like the decision on the Future Hospital it is one of the most pressing issues we have to deal with and it can no longer be kicked down the road while we have another study or carry our further research, which I am sure will be suggested by some members of the Council of Ministers for this Proposition. This Proposition should be seen as an attempt to try to deal with another part of the housing problem and hopefully make home ownership more affordable as a consequence. The Proposition deals with the property market that is made up of 2 distinct parts: the residential and the commercial property market. Most people in the Island consider residential housing prices to be out of control in the sense that prices are excessive and beyond what they can afford based on their salaries or their ability to borrow and they are demanding that the Government take action to help them get on the housing ladder. Entrepreneurs and those wanting to rent these commercial premises in the Island are complaining that the owners of these properties are either pricing them out of the

market or, if they can afford to pay the higher rents or leases, it will cause them to have higher overheads that will restrict their ability to grow and prosper. As a consequence of the higher cost it is causing them to charge higher prices for their goods and services, higher than they would otherwise be had we had some control over the market. This affects the cost of living for everyone buying the goods and services that are being produced. A property register will also enable the latter argument to be put to the test. We are constantly told by retailers and others that one of the reasons why they have to charge so much is the high cost of their premises and overheads. That can be put to the test because if we have data, we will be able to see if that is true or not. Also do not be swayed by the current market in the retail and office sector that has been impacted by COVID-19. It has given lessees some leverage to renegotiate their leases with owners because if they fail then the premises may remain empty for some time and so the owners will suffer, so they have a chance of renegotiating at the moment. However, one truth about the commercial property market is that it does not remain depressed for long and many of the properties can be repurposed for alternative uses such as offices into apartments or boutique hotels or the site has been developed. After all, land in an Island the size of Jersey is finite, extremely valuable and will appreciate over time. Being an economics lecturer old habits die hard and I want to give a very brief lesson in economics. Simplistically the price of housing, that is both houses and apartments and commercial premises, is determined by the interaction of supply and demand for those premises. If demand is greater than supply the price of these properties will go up and if demand is less than supply the price of these properties will go down. If supply is less than demand the price of these properties will go up and if the supply is greater than demand the price will fall or more likely in the real world, and in an Island like Jersey, they will just simply stabilise and not grow as fast as they have done in the past. In addition to this, there are many factors that affect or influence supply and demand and hence the price of houses and commercial property. These include the availability of land for building, planning restrictions, zoning and red tape, the cost of finance to builders and developers, availability and cost of skilled workers and building materials, developers purchasing land and obtaining planning permission and then banking it in the sense they do not build on it immediately and wait for the prices of their prospective developments to consumers to rise, net migration, i.e. increased population. Finally, foreign direct investment and internal or domestic investment by people who purchase property not to live in but as an investment that generates better returns and safety than other investments. It is the last of these factors that my Proposition is trying to gauge and influence, i.e. the foreign direct investment and internal domestic investment by people who purchase property not to live in but as an investment that generates better returns and safety than other investments. For all those Members who own properties and let them out or have purchased a buy-to-let property or 2 or 3, do not worry. I am not targeting you. I am after the big, serious players in this game. I must state from the start that not all foreign investors and internal domestic investment in property is bad. The investment can result in new houses or apartment development ... I am sorry, there is a lot of noise. Can people hear me?

The Bailiff:

Yes, you can be heard quite clearly certainly at this end.

Deputy M.R. Higgins:

I will say from the start, not all foreign direct investment and internal domestic investment in property is bad. If their investment is resulting in new housing or apartment developments that increases the stock of housing, we have in the Island then it is beneficial because they are providing houses for Islanders that we would otherwise not have. On the other hand, if they are purchasing from the existing limited stock for investment purposes, they are depriving Islanders through their purchasing power from buying their own properties and pushing up rental prices in the Island as well. It should also be noted that the housing and commercial property markets are not perfect markets in the sense that supply and demand will naturally arrive at an optimum price for property, and this is because

there may be anti-competitive forces at work behind the scenes, such as duopoly, which is where you get 2 or more people dominating the market, or oligopolies where you get a small number of people dominating the market, perhaps up to 5 or 6. Or there may be cartels of other forms of collusion among the owners and builders of property to keep prices high. The purpose of my Proposition is to require the Council of Ministers to create a property register that will record the ultimate beneficial ownership of all residential and commercial property in the Island for the purpose of aiding policy formation and, if necessary, the regulation of the housing and commercial property markets. I am proposing the register will be operated on behalf of the States of Jersey by the Financial Services Commission. Why do I believe the register is important? At the present time the Government has no real idea who owns most commercial and residential property in the Island. It is therefore hamstrung by a lack of data to deal effectively with these markets. If it does not know who owns commercial property in the Island, it will not know whether it is a monopoly or other anti-competitive structure existing that distorts the market and drives up rental and lease costs. If it does not know how much property in Jersey is owned by people who live overseas or by wealthy people living in the Island, not as a home for owner occupation but as an investment, it will not know if house and commercial properties have been inflated in price by as much as 20 per cent or 30 per cent.

[16:30]

As has been the case in some of the cities and countries I have researched around the world or know the impact this investment has on the housing rental market such as driving up rents. Having the information will enable the Government to come up with measures, whether they be legal or taxation measures or direct controls to deal with abuses and distortions in the market. A few months ago, Deputy Huelin brought forward his landlords and tenant register and I had just lodged this Proposition at the time it was debated. I supported Deputy Huelin's Proposition because I have been a firm believer in decisions made on facts, on data. Too often in this Assembly decisions are taken on limited or no information at all and it is my firm belief that this is no way to run a government or an Assembly. It is both wasteful and can be counterproductive. Having a digital property register enables the Government to base its decisions on data, not speculation, gossip or limited anecdotal information. Data helps you identify the problems and also helps you in determining policy measures you need to take to deal with the problem. Without data you may identify what you believe is the problem only to find out it is only part of the problem or not the problem at all, and certainly may not be the most important one. If you have data you can take targeted measures to deal with the problems you have discovered rather than using a shotgun approach, blasting everything in sight hoping to hit your target and in the process possibly incurring collateral damage on things that may be good, causing unintended consequences that you do not take into account because you simply did not know. The register I am proposing will be created using the Royal Court property sale records and the Parish rates registers. The Parish registers will tell the Government who owns what on the day the record is created or migrated across to the database and the Royal Court records will record all changes in the ownership of these properties from that day forward. It is intended that the register will be maintained and operated by the Financial Services Commission for a number of reasons. First, the Commission currently holds and updates 9 existing digital registers, including Jersey companies, business names, foundations, partnerships, security interests, *et cetera*. It also has a very skilled workforce used to dealing in confidential information. Secondly, many properties are owned by companies, trusts and foundations. The Royal Court records and the Parish rate records do not or may not record the ultimate beneficial owner of these entities who have purchased the property on the Island whereas the Financial Services Commission already has this information in its databases or, in the case of trusts, it can legally require trust companies to provide the data required. I propose the Government would enter into a memorandum of understanding with the Commission to cover the sharing of this information that will only be used for the purposes of informing policy and to prevent market abuse and distortion and to come up with solutions to it. Let me try to allay some suspicions about what the register is. It will not be a public document for data protection reasons,

and the ultimate beneficial ownership information will not be revealed to the public in exactly the same way that the ultimate beneficial ownership of Jersey companies is not revealed by the Commission in other areas. Nor is it a land register that would be more complex and expensive to create. I am just changing documents for a moment. In fact, I will just deal with something that was left off the Proposition, and that is the financial and manpower implications. When I wrote the Proposition, I was still gathering data. I have spoken to a number of people and from the Government I received that one estimate of up to £500,000 and from other sources, I.T. specialists, they believe it could be considerably less. The £500,000 figure is based on creating a new standalone database and with all bells and whistles whereas what I am proposing is we tap into and use the Financial Services Commission's existing software and database and just have add-ons. I will now go on to comments made by the Council of Ministers in their comments paper and respond to them, and Members will find it illuminating and hopefully feel this is, to use President Trump's favourite expression, fake news. Let me start by saying that last night at 8.00 p.m. Members received an email that had an attachment containing the Council of Ministers' comments paper on my Proposition. Members may not yet have had sight of it or had the time to read it but I want to make a number of general comments about it and take Members through many of the comments in it that contains a number of inaccurate and misleading statements. I would like to say that first, it is the worst example I have come across since entering the States of the Council of Ministers, throwing together a last minute response to oppose a Back-Bencher's Proposition. Not only was it delivered at almost the 11th hour literally, it was emailed at 8.00 p.m. and I saw it just before 11.00 p.m. when the Proposition was lodged on 16 July before the summer break. To respond to it I have had to work through most of the night and while listening to this morning's States sitting. I believe it is extremely discourteous not only for me as a Member whose Proposition it is addressing who has to respond to the points contained in it, but it also discourteous to all States Members who should have had it in plenty of time to consider all the competing arguments associated with the Proposition. Ministers may claim that they have been extremely busy, and their officers have only just got around to it, but so have Back-Benchers also been busy on Scrutiny and dealing with constituency matters that there are never breaks from. Secondly, I would also like to advise Members that I have had 2 separate conversations with Ministers on the Proposition in the last 5 days, one with the Chief Minister and one with the Minister for External Relations. I was asked by the latter to delay the Proposition to a later States sitting so they could study it further. I did not agree to this request because it was lodged almost 3 months ago. It was also obvious from the conversations that it has not been read properly because the questions I was asked, as will be apparent in some of the comments contained in their paper, were just unbelievable. Thirdly, since being in the States I have been called by a number of Treasury and Ministers for Economic Development a wrecker when I criticise some of their policies or the finance industry or Jersey Finance for some of their practices or failures, or a conspiracy theorist, by Ministers for Home Affairs when I have highlighted specific failures by the Jersey police force in their treatment of members of the public and even their own officers. But that is par for the course when someone does not conform to the establishment line or is raising injustices. I have to say this is the first time I have been opposed for doing something that is genuinely altruistic and designed to help them better understand the nature of one of the most important and difficult problems the Government needs to address and to help them make better decisions for the benefit of all Islanders. There is no hidden agenda to this Proposition, and I am surprised it has not been taken at face value. Or is it that they have just not thought of it and they should have done so before and dealt with the problems that have been staring them in the face for years? In terms of specific comments of the paper, I am afraid I will have to read out what they say and then give my answer. In their opening they said: "It is essential the Government and the Assembly have high quality information with which to make good quality policy decisions, and any decisions to make additional requirements on individuals or industry, be it regulation or information collection, must however be for clear policy purposes." That is agreed. The purpose of this Proposition is to help the Government gauge the size and nature of a perceived problem in the housing and commercial property markets in the Island and to assist them

coming up with remedies to deal with them. In relation to residential property they said: "This Proposition adopts a single approach to residential and commercial property." They are correct. The register will collect data that will assist in dealing with the perceived problems in both sectors of the property market. The policy prescriptions, however, may well be different and it is for the Council of Ministers to decide, perhaps with the input of the Assembly, what measures to take. They also say: "There is a perception and some anecdotal suggestions that external investment in residential property might be having negative consequences for Islanders, limiting supply and increasing prices." They are correct but it goes much further than this. The Jersey property market exhibits the same characteristics and features exhibited by the London, New York, Toronto, Vancouver, Sydney, Melbourne and Singapore property markets and many other property markets around the world where foreign direct investment has led to property prices being driven up by some 20 per cent to 30 per cent and rental prices by at least 8 per cent. The real estate market is a global market and investment opportunities in Jersey in commercial and residential property are marketed via the internet around the world via local estate agents and building developers. All one has to do is to look at the websites of Dandara or estate agents such as Savills or Thompson Estates to see in their marketing literature just how advantageous and profitable it is for foreign nationals to invest in the Jersey property market. Dandara, for example, have advertised a return of 8 per cent on their buy-to-let properties. This material stresses how the Island is economically and politically stable, that there are no capital gains or inheritance taxes, which in itself could encourage speculative purchases and also makes these types of purchases less risky and more profitable. They also mention how a generous tax allowance can be offset against a 20 per cent tax on profits made on rental returns. You can see we have advertised ourselves to the world as an ideal place to invest in and it is having a direct impact on house and commercial property prices. There is no restriction on capital flows in and out of the Island and anyone can purchase a property in Jersey although anyone wanting to live in it must get permission of the housing law to occupy it. In addition, foreign investment in real estate helps to distort the type of properties that are being built, expensive homes and flats that only the rich or the better-off can afford. Look at all the exceptionally expensive square glass-fronted houses and apartment buildings that have been and are being built along the coast roads around the Island and the best vantage points overlooking the sea, for example, Portelet. Why? Because they generate the greatest investment returns. It also causes key workers and the less well-off to be deprived of properties they can afford. It also puts pressure on public social housing demand and provision. The 8 per cent return on a buy-to-let property to the foreign owner mentioned earlier is likely to result in a much higher percentage rise for the lessee or the renter when various management or maintenance fees or other costs are taken into account. Also, because of the ludicrous States policy of charging social housing renters 90 per cent of the market price of property in the Island we are inflating the rental market for social housing by up to 10 per cent of what could otherwise be resulting in higher subsidies in the Social Security Fund.

[16:45]

I am sorry. I will just explain that differently. I have a figure wrong. Because of the 90 per cent policy if the foreign investment causes rental prices to go up it means that the States have to step in through the Social Security Fund to top up income of people so they can afford their rents, and this is also true in the private sector. In cities surrounded by large areas of land they also push people out of the towns or into substandard properties and very expensive properties in the cities themselves. In islands such as Jersey it also causes people to have to leave the Island completely to try to purchase or rent affordable housing elsewhere. The Council of Ministers' comments paper then goes on to say the information we are seeking is already available from a number of registers or bodies and therefore it is not correct to say the Government has no idea of who owns residential property. The registers and bodies are deeds transferring freehold property from one person to another and the public registry is held by the Royal Court, which is open to the public. Parishes that hold information on the owners and occupiers of all immovable property in the annual rates return and this, I believe,

is a private register for data protection reasons. We have a land transaction tax that is charged on transactions involving the transfer of domestic share transfer property, which I know even the Housing Development Board believes is a problem and has difficulty dealing with. The data from that is held by Revenue Jersey. Information with respect to the ultimate beneficial owners of share transfer property is accessible by way of the Financial Services Commission. For commercial property, where information about the ultimate beneficial owner is relevant, this can already be accessed under the Financial Services (Disclosure and Provision of Information) (Jersey) Law 202-, which was recently adopted by the Assembly. It is interesting, that. I do not think it has come into force because we do not have the actual date. This particular law requires the disclosure and holding of data of beneficial ownership for all corporate entities, not including trusts, and is part of the E.U. beneficial ownership changes. The law enables inter-regulation disclosure in the short term and public access in the long term, and it will be held by the Financial Services Commission, the very body that I want to hold all this information. In the case of the latter database, the comments paper says that my Proposition will duplicate a register already in existence. I am not convinced. I think that is one the Commission may be working on. It will not do so if my proposal is accepted because it will be fully integrated within the Financial Services Commission with all the other data. So, records 1 and 2 are mentioned and used to compile the register I am proposing with the Financial Services Commission, so information from 3 and 4 can also be included in this register for completeness, as can any other information that is considered important to include. Now, I would say that if these records are already available and in existence today, why has the Government not used the information already to deal with this problem? Why is the Council of Ministers saying further on in their comments paper that as an alternative to my Proposition they will gather the information together by the end of 2021 in a different way? How will they do this? It is my belief that one of the reasons the information is not being used to date is that it is on a combination of public and private registers and that those registers do not have all the information as required. For example, the Royal Court property register and some, if not all, the Parish registers do not know who is the ultimate beneficial owner of properties on their registers. They simply state such-and-such a company, trust or foundation and may have a registered office address to send the rates demand and assessment forms to. Without knowing who is the ultimate beneficial owner, it is useless and the only place where this information can be obtained is from the Jersey Financial Services Commission, who know who ultimately owns the business and, in the case of trusts and foundations, can legally require trust companies and others such as legal firms to provide the information to them on demand. The information is also on different software that may not be compatible or easily shared with other systems. They also may not have the level of security that one can expect on the J.F.S.C.'s (Jersey Financial Services Commission) network, which is one of the most secure in the Island. By migrating the data on to the J.F.S.C. system, all the information will be in one place using the same piece of software. It will also be managed by staff used to handling highly sensitive information. Now, the comments paper then goes on to say: "It is acknowledged, however, that improvements could be made to the manner in which we utilise existing available information and action in this regard could support policy formation. An assessment also needs to be made of any data gaps in respect of ownership information." I have just made that point. Now, this statement is correct in that all government systems could be made better, but as we know, States legacy systems and software are well behind in this area and millions of pounds are going to have to be spent over a number of years to bring them up to scratch. By integrating the proposed property register into the J.F.S.C. system, we do not have to reinvent the wheel, which can be done faster and cheaper than anything the Government is proposing. They then go on to talk about commercial property and this is what I mean. I do not believe that they read the Proposition and the report. They state: "Commercial property is quite different. Jersey has spent more than a decade successfully growing its commercial property market for overseas investment. The commercial property market forms part of Jersey's crucial international finance sector. It plays an important role in making Jersey attractive to large international investors structuring their deals through Jersey and even locating their offices in the

Island. This supports jobs and livelihoods in Jersey. In the commercial property market, ownership is not a key factor which drives how the market works. Size, location and purpose are much more relevant to value and these levers are already within the Government's control." Now, this is correct, but they miss the point of my Proposition. It is not attempting to do anything to affect the external commercial property market and the work of the Jersey finance industry in this sector. It is intended to deal only with the local commercial property market, gathering data on who owns commercial property in Jersey, which can show whether we have oligopolies, cartels or collusion operating and distorting the market, pushing up the price of rent and leases and, as I have already said, as a by-product telling us whether the retailers and others are correct in that the high and excessive lease costs are one of the reasons why they charge higher prices for their goods. They then moved on to data protection and they said this Proposition also potentially presents data protection challenges and these need to be thoroughly and thoughtfully considered. This is true, but what I am proposing will require the Council of Ministers to work with the Information Commissioner to ensure that it is compliant with the Data Protection (Jersey) Law, which is Jersey's implementation of the European General Data Protection Regulation, which makes the Government and individuals responsible for using the information in accordance with the data protection principles and, in particular, using it fairly, lawfully and transparently. I might add this equally applies to the alternative Proposition the Council of Ministers are suggesting to Members later on in their comments paper. To overcome data protection problems, I deliberately did not make the proposed register a public register which could be accessed by all and sundry. The register will not release details of the ultimate beneficial ownership of Jersey companies, trusts and foundations in exactly the same way that the Jersey Financial Services Commission register does not release this information to members of the public. It may do to other regulators and police enforcement authorities, but it does not do so to the public. In addition to that, nor am I suggesting that specific names need to be provided to Ministers in exactly the same way that the Ministers of Treasury and Resources who decide policy with regard to taxation have no need to know the specific names of individual taxpayers or any information about it. The information that we shared would be anonymised. They also state that the consent of the data subject to the use of their personal data by the operator of this register will very likely be required: "A clear purpose is required to enable that consent to be given within statute authorising the use of the data. It is not clear what the purpose would be in P.93, other than to inform policy, which is rather general and vague. Careful and further thought needs to be given in this respect." This is not a problem as we utilise very sensitive tax information to determine tax policy and legislation can be amended or written to allow this in conjunction with discussions with the Information Commissioner. They say: "Members should also note that the Statistics and Census Law 2018 already allows Government to access existing data it holds in an anonymised form for statistical purposes and to inform policymaking." They are correct, but it does not cover the information we are seeking. They then go on to talk about resources and they said: "There are financial and manpower implications of pulling together and maintaining data from various sources, especially if it is a single use confidential property register, rather than something that has a wider utility for Government. The integration of existing data faces challenges of accuracy, consistency and complexity. The Proposition does not include any estimated costs, either for the initial set-up of the register or its ongoing operation, and no indication is given how these costs would be met." Well, as I stated earlier, I had originally intended to put an addendum giving this information and it was not done and, as I have stated, I have had estimates that the cost would be up to £500,000 if we were creating a new register using newly created software. However, if we are using existing software and integrating it into software, it should cost considerably less as there will only be the cost of writing new code and inputting the data. The £500,000 provided to me by the Government was considered high by a number of I.T. professionals that I spoke to. It is also only the cost of one modest Jersey house, and if it helps make house purchase and renting cheaper, I believe it is worth every penny. As to the ongoing costs, we would have to pay the Financial Services Commission for one or possibly 2 additional staff, depending on the number of property transactions that were occurring. If it was high, it may be 2. If

it is quite low, it would be one. We would recover this with cost recovery, charging a small sum to cover the cost of updating the register when the property changes hands. This staff resource could also be utilised by the J.F.S.C. registry for other tasks. They also said and went on to talk about the J.F.S.C. They said: "There is also concern as to the role of the Jersey Financial Services Commission, who have not been consulted regarding this Proposition." This statement is false. I have been looking into this area and proposing this register for more than a year. I not only spoke with the Chief Minister early on and explained what I was doing and why, but I have also had conversations about the Parish rates register with the Constable of St. Ouen. I met with Richard Corrigan, the chief officer, Financial Services, Digital and Enterprise. I also had meetings with Julian Lamb, the director of the registry of the Jersey Financial Services Commission, and had a separate meeting with other directors of the Commission, who were not opposed to the register being located with them. It was stated to me that they would assist the States with the register if they were asked to do so.

[17:00]

In the comments paper, the Council of Ministers also says: "The J.F.S.C. has a clear and crucial role to play in the success of our financial services industry and tackling financial crime. Their priority should be to implement international regulatory standards and ensure that Jersey receives excellent reports from international bodies such as MONEYVAL. The regulation of ownership within the commercial and property market is clearly outside the J.F.S.C.'s remit." This is not true. Internationally, it is recognised that money laundering can be carried out by criminals and terrorists through property and the J.F.S.C. has issued guidance to real estate agents and finance firms that they are expected to report suspicious transactions in this area. Having this register within the Financial Services Commission would assist them and assist Jersey in achieving the highest possible level of MONEYVAL approval because the Commission would be able to cross-check the information it receives. I might also add it has been identified in recent House of Commons Select Committee reports on Russian money laundering in London that it is a major problem and much of it is associated with real estate, so much so that London is very often referred to as "Londongrad." The weakness of money laundering measures in London and elsewhere by the international banks, including Barclays as a British bank and numerous American ones, has also been highlighted in a Panorama documentary this week and in international newspapers with the leak of the FinCEN papers on suspicious transaction reports. Nor is the Financial Services Commission going to be regulating the ownership of residential and commercial property markets. It is simply gathering the data and putting it in a form that meets data protection requirements for analysis by the government department and for the Government to regulate if deemed necessary. Among the final statements in this area it says: "Operating this register is not a priority for the J.F.S.C. and would not be achievable by the end of 2021." I note from my discussions with the Commission that it is introducing a number of new initiatives and processes, and I believe the register could be completed in this timeframe if part of the work was outsourced to the software company who wrote the Commission's software and the inputting of data was done by a third party approved by the Commission. Now, they concluded their paper by saying, and we are almost at the end: "Bearing all this in mind, this Proposition is not supported. Instead, the Government Plan lodged on 12th October will include a commitment to report to the Assembly on a clear plan for the collection, maintenance and use of property information for property development and other purposes by the end of 2021. Factoring in data protection compliance and aligning this with other work streams, this work will have a particular focus on the extent of external investment in property." Members are asked: "to commend the objectives of the Proposition but nevertheless to reject it in favour of this alternative approach which hopefully supports the spirit of the Proposition while recognising the practical complexities." How many times in the past have we been asked by the Council of Ministers to trust them rather than a Back-Bench Proposition, and how many times have they delivered on it on time and on cost? Thank you. I will stop at that point.

The Bailiff:

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

4.1.1 Senator I.J. Gorst:

Just having to get used to being out of the Assembly again and use the microphone on the contraption. I listened with great interest to the mover of the Proposition and one could say perhaps there is nothing else for any Member to say, having listened to Deputy Higgins. But I want to go back to where he started, and he started with the problems of the housing market, which are well-known and have existed for a long time. Previous politicians and previous States Assemblies have endeavoured in part to address some of those issues, but they remain with us. Fundamentally, one of the issues which he touched on is supply and demand. He also gave us, as he himself described, an economics lecture, and unusually I must say I did not find too much to disagree with in the Deputy's economic lecture. Supply and demand, and yet we have always struggled with supply. Demand has continued to outstrip supply, even when new areas have been rezoned, be they greenfield or brownfield. We have always struggled with that issue. He then went on to describe some of the anecdotal issues facing the housing market, and I think in his own words he said the main issue that he wished to see addressed was foreign direct investment into the property market. I start in addressing the Deputy at the start because he will be aware that the Chief Minister at the start of this Government, working with the Minister for Children and Housing, set up the Housing Policy Development Board. A number of Members who stood in the last election supported the creation of such a body. I referred to it as a housing commission; in effect, we have the Housing Policy Development Board and we are all waiting to see the proposals coming out of that body. I have no doubt that some of those proposals may be more acceptable than others. I say that because throughout the early part of the Deputy's comments he talked about controlling the property market. I will come back to some of the other issues that he touched on. Then I want to jump right to the end of the Deputy's comments because when these comments were being brought together, the Chief Minister was very, very keen to work with the Deputy and to find a solution that could work towards solving that main issue that the Deputy discussed, which was whether foreign direct investment in the residential property market was causing a distortion and was leading to inflation in house prices. He used the 20 per cent percentage. I have to say that this is an issue which is raised from time to time by Islanders and it is an anecdotal issue. Senator Mézec's officials in the Housing Department, as I understand it, say that they do not believe it is of any great quantum or of a distorting effect. The Chief Minister, as he said during the election, was really keen to work with the Deputy to look at that issue, first of all to analyse it and then to come up with, if the Housing Policy Development Board has not, some policy proposals that would help to deal with it. Therefore, it was in that spirit of co-operation that the comments were submitted, because I for one have concerns around the proposal that Deputy Higgins is proposing but recognise that that one issue is one worth investigating. The Chief Minister, as I say, was keen to do that and was prepared to make a commitment to put that commitment into the Government Plan, which is due to be lodged, so that that work could be undertaken during the course of 2021, which would lead to rather than a new register actual actions in regard to dealing with that issue. But I want to really revert back to the comments which Deputy Higgins has just spent the last 15 minutes disagreeing with. I think I want to start by saying on the surface the Proposition before Members looks very attractive, but I do not see any evidence that it would deal with those policy issues affecting the housing market that the Deputy started his speech referring to. Members might be thinking, well, why on earth is he - that is me - discussing this particular issue, and it is only because I have in a way been dragged into this Proposition for 2 reasons. One is that the Deputy is seeking the Jersey Financial Services Commission to undertake this work and they, for good or ill, fall within my political remit, as I feel does the commercial property market. Of course, the residential property market falls within others' political remit. I make that point because this proposal is a blanket proposal which suggests that residential property and commercial property can be dealt with together, but I do not believe that that is appropriate given the very different nature of the 2 markets. I also think that the proposal is administratively burdensome, and we can argue about cost. My

understanding is that £500,000 is not an unreasonable cost and I think the Deputy accepted that. It was just that he had spoken with others in the I.T. sector who suggested that perhaps it could be done a bit cheaper. One of the ways he felt it could have been done cheaper, although it did not sound it to me, was by the J.F.S.C. outsourcing the writing of the software and outsourcing to a third party the population of such a register. For me, it is also I do not accept and do not think it is the right thing for the Assembly to do to ask the Jersey Financial Services Commission to undertake this work. I will come back and touch on those points. The commercial property market is uncorrelated to the residential property market, and I am not clear what the purpose of this desired oversight of commercial property is or what the issue is that needs addressing. I am grateful to hear what the Deputy said this afternoon and, of course, he wrote it in his annotated comments. It appears to be the worry that there might be a single or perhaps a very low number of owners in the commercial property sector in Jersey.

[17:15]

So that is a monopoly or a duopoly I think he said there. But we must recognise that ownership is not a function of how that commercial property market works. As the Council of Ministers' comments suggested, it is rather the situation and the size and the use of the property which is critical to the value and critical to rental yield, not the ownership, which is what the Deputy suggests can be solved, as it were, by creating such a register. So, I do not see that the commercial property market is out of control and I certainly do not see that we need more Government control or large-scale Government-sponsored information-gathering exercise. I know that is my particular political view, but I do not think that a case has been made for that and nor do I think it is necessary. Rather, I think that this idea of foreign ownership, while it might be an issue in the residential property market, Jersey has spent more than decade successfully growing its commercial market for overseas investment. That has been positive for Jersey. We have seen pension funds and other such investments investing in the Jersey property market and that has been to our benefit. I think it is a positive rather than the negative that is being suggested. Of course, as Members will have seen from the comments, the commercial property market forms part of Jersey's international finance sector. It plays an important role in making Jersey attractive to large international investors, as I have said, and therefore it supports jobs and livelihoods in Jersey. It is completely different from any concern that Members might have about overseas investment into residential. Those who know these things tell me that the commercial property market also has recently shifted from a landlord's market to a tenant's market. I do not think any of us would be surprised by that, bearing in mind what has happened during COVID and, of course, what is now a recession that we are all facing. As I said, the important factor is that a register of ultimate beneficial ownership of commercial property will not affect the commercial market and will not necessarily result in government being able to communicate with the ultimate beneficial ownership owner, given that they will not necessarily be the party who is directing how the property is administered. That more usually would be an agent or an investment adviser rather than the beneficial owner of the company. Of course, then we get into beneficial ownership percentage issues and we get into how a company in the commercial property sector might be structured. Therefore, they are totally different issues. The Deputy did touch on the new registry law which the Commission is implementing. That is correct, that is happening and that is a new and refined law, which will allow again for ultimate beneficial ownership information to be held, but not in the way that the Deputy is suggesting. In actual fact one could argue that there is no need to have a new separate and second register in the way that the Deputy wishes. We have touched on the administrative burden and the potential cost and complexity. I have no other evidence before me other than it will cost in the region of £500,000. I know that Members are used to talking in millions, and now when we look at the Government Plan, we talk about hundreds of millions in any given year and over the course of the Government Plan we talk about billions of pounds. £500,000 is a lot of money to develop a register in some respects where information is held elsewhere. But there is talk about the holding of parochial information and how that can help in making policy, but

I do not think we should just commit to it today. Where I do have a fundamental issue, and perhaps I ask the Deputy to take his Proposition in part, because Members might want to vote for the creation of a register, I personally will not for, the reasons that I have discussed around commercial property and the commitment that the Chief Minister has given. I do not tar him with the brush of other Chief Ministers or people who have gone before him, I take him at his word and if he says he would like to see that problem investigated I know that he will do it. The reason I say that is I shared an election platform with him, and it was part of his manifesto. I take him at his word that he will deal with that issue when it comes to residential property. Where I really do ask Members not to support this Proposition is where the Deputy asks the Jersey Financial Services Commission to undertake this work. I do not want to get into a public argument with Deputy Higgins about what consultation he has or has not taken with the Jersey Financial Services Commission, but certainly my information is that he has had a conversation with the registry section of the Financial Services Commission around a year ago, nothing more recently than that, and of course those being good officials on the regulator would not say anything other than if the States Assembly or the Government asked them to do something and passed the necessary legislation, of course they would do it. That is very different from consultation and it is very different from whether they believe that it is part of their core duty and very different from whether they think it would divert them from what is their core business in this critical period in the run up to the MONEYVAL assessment. For my part, for some of the reasons that Deputy Higgins talked about, the need to improve money laundering provisions, the need to strengthen how they review and monitor and support all of that work right across the Island, it is not right at this time to ask them to undertake this additional piece of work. Now, we are of course, or my Assistant Minister, the Constable of St. Ouen, is asking them to extend their remit to look at pensions regulation. I think that is right, I firmly support that. It is a logical extension of the work that they are doing, and we are also asking them to, or my Assistant Minister is asking them, look at issues like consumer credit. Regulation of ownership within the commercial and residential property market is clearly outside of their remit. Whether property is purchased from the proceeds of crime, which is the issue that Deputy Higgins was talking about, is wholly within their remit but is a totally different matter and should not be confused with what is being proposed here by the Deputy. I must make it clear to Members, I will not support this part of the Deputy's Proposition because it will make it very difficult for me and for the Government and the Island to support them in the work that they are doing in preparing for this vital national review. They would rightly be able to turn around and say: "Well, Minister, we know what you asked us to do about the preparing for MONEYVAL but, Minister, you also asked us to go off and, in very short order in a vital, create this register." I would have little comeback. I really ask Members not to support that particular element of the Proposition. I do not want to speak any further on residential matters. I know that the Chief Minister will wish to speak and confirm his commitment to dealing with various issues, as I am sure the Minister for Children and Housing will, perhaps even trailing what I hope is going to be an exciting report from his Housing Policy Development Board. Others are better equipped to talk about the information that the Parish system already holds. It could be argued that by creating the register that the Deputy is proposing from a residential point of view it will undermine that Parish system. I, for one, would not wish to be party to something which is undermining of the parochial system. Rather I believe that we should be doing all that we can to strengthen, to renew and to refresh that system. I am coming to an end. I am mindful of the time; I am also mindful that the chair of the Privileges and Procedures Committee wishes to speak to us about the continuation of public business in this session. I will come to the end of my speech in this debate, if I may, and I will call for the adjournment in order that the chair of P.P.C. be allowed to speak. Thank you.

The Bailiff:

The time has come when it is normal for the Presiding Officer to canvass the matter of the adjournment with Members in any event but the chair of P.P.C. has asked to ... Sorry, was there a point of clarification from Deputy Young? Yes.

Deputy J.H. Young:

Briefly, if I may, I will not be long. I just invite the Senator, please, to confirm what he said there, does he see any reason against having a register in public of residential transactions for share transfer properties? Is he effectively saying that is a separate issue or is he saying that irrespective of who keeps it ... because I can see the point about Financial Services. Can I invite the Senator just to clarify that for me? I would find helpful.

The Bailiff:

That appears to be a point of clarification properly called for. Are you prepared to offer that, Senator?

Senator I.J. Gorst:

Perhaps I am going to bow to the Minister's superior knowledge, given his previous occupation. I think that is probably at the heart of the issue that we need to deal with about foreign buy-to-let in the residential market. He knows better than any that that is a quite a complex issue because you could have ... this comes into this thing about what does the share in the company give you the right to and the issues of beneficial ownership. That is the piece of work that I am clear, from conversations with the Chief Minister, that he is giving his commitment to doing and to include in to be done in the Government Plan. I do not want to say what the answer is but is probably something along the lines that the Minister has just suggested, and my contention is it should not be the J.F.S. (Jersey Financial Services). I hope that clarifies the matter to the Minister's satisfaction.

[17:30]

The Bailiff:

Thank you very much, Senator. The chair of P.P.C. wishes to address Members on the arrangement for future business.

Deputy R. Labey:

I think we have to complete Deputy Higgins' Proposition tomorrow and there is then of course Deputy Young's ministerial government Proposition, there is a foreshore Proposition of the Deputy of Grouville, there is Deputy Ash's drinks Proposition and there is P.106 if the Assembly agrees to take it. Irrespective of that, it seems to me that we will need more than one day tomorrow, and I just wanted to test the waters with the Assembly and propose it, if possible, to have a continuation day on Friday. Sit on Friday. I already know that there is an Education Scrutiny Panel hearing and my apologies for that. The Assistant Minister for Education says that he is willing to reschedule and I am sure the ministerial side would do, but my apologies in advance for that. I think it is going to be disappointing if the Deputy of Grouville cannot finish her Proposition in this sitting, start and finish it, because, on request, she had held it for a long time and I am sure she wants to take in this sitting.

The Bailiff:

Is your proposal then for a continuation day on Friday?

Deputy R. Labey:

It is, Sir.

The Bailiff:

Or do you just wish to test Members?

Deputy R. Labey:

I think if I make that Proposition then we will soon find out if Members will go with on it or not.

The Bailiff:

Very well, is the Proposition seconded for a continuation day on Friday? **[Seconded]** Does any Member wish to speak?

The Connétable of St. Ouen:

I just wanted to ask the chair of P.P.C. - even with Friday, with my mental arithmetic, we are going to struggle to get to the end of business by Friday evening - whether he would consider asking for an extension tomorrow evening to work to say 6.00 p.m. or 7.00 p.m. in an attempt to try and get through more of the business?

The Bailiff:

I think Connétable that is a point that can certainly be made and you can raise if afterwards but we have a Proposition before the Assembly at the moment to continue on Friday and I think that has to be dealt with otherwise we will have many suggestions and Members will end up not knowing what they are voting for or against.

The Connétable of St. Ouen:

Sorry, in that case I want to say that I fully support that.

Deputy J.A. Martin:

There are a couple of Ministers here, we have pencilled out - it is what it is, we need to be here if we have to - Friday for 4 hours, which will be 5 to 6, to literally sign off the Government Plan and we want to do that because we want to get it to Scrutiny. We might need to come in at the weekend, I do not know, but I would rather sit late tomorrow. I know that is not proposed at the moment. We need focused minds. I think this says volumes for a 3-week cycle.

Deputy K.G. Pamplin:

Is it worth taking a roll call of who is able to be present on Friday, because obviously we need to be quorate? It would probably be more sensible to find out who can be, regardless of what can be moved around. The second point I would like to raise is I am looking at the Standing Order paper for 6th October and there are 2 Propositions and amendments, so it is a very light. Is there anything in this sitting that can be moved to that sitting to free up some time. That will obviously be any of the proposers on this one who would like to bring it at the next one. I put that out there as well. But I think Friday, and if we are going to stay late tomorrow, we are going to have to be mindful of everybody's arrangements. There will be certain Members who will not be able to make it tomorrow and Friday.

Deputy R.J. Ward:

I just make the point that I understand we may need to postpone the Scrutiny hearing with the Minister but we also have a public hearing in the afternoon regards a review that we had undertaken from the Education and Home Affairs Panel, is there anything that we can move to the next sitting? Can we move the 3-week cycle to the next sitting? Is that urgent to be done now? Will it take that long to instigate if it is voted for? I wonder if we can be flexible on that? That is about all I can say on that.

Senator L.J. Farnham:

I was going to say the same, if there anything that could be put forward to 6th October that would be helpful. If the Assembly does decide to sit on Friday, then Members have a duty to attend and will have to rearrange other meetings. There is a Council of Ministers meeting planned for the Hospital Oversight Group to start to talk about the recommended sites, that would have to be postponed. It would be helpful to know if we could defer some items to the 6th and then we can make a final decision.

The Bailiff:

It is possible obviously for Members who have Propositions before the Assembly at this sitting to indicate that they are prepared to defer them. Then Members will know what the volume of future business is and that will inform the vote on whether or not we sit on Friday. The point made is that if the States vote to sit on Friday then clearly the majority of Members will have formed the view that are able to do so. That will become the decision of the Assembly and it will be the obligation on Members to make a change in their arrangements so they can come in and attend at the Assembly.

Deputy K.F. Morel:

Just to say I am very happy to come in on Friday, but I believe we could ask ... I will just name them because I think P.106, if the chair of P.P.C. would consider moving that debate to 6th October. Equally P.98, Deputy Young's Proposition, I do not think is time limited and possibly P.105 the drinks promotions Proposition from Deputy Ash. I just ask those 3 people to consider moving them to 6th October. But I am happy with Friday.

Deputy M.R. Higgins:

I would just like Deputy Ash to consider moving his drinks Proposition. I must admit I need a drink right now after making the longest speech I have ever made in the States. It would help if it goes back and I do not think it would cause any great upset, except to hardcore drinkers.

The Bailiff:

Thank you. As I have indicated, it is for Members to indicate if they wish to defer their particular Propositions, otherwise we must assume that the business is as currently agreed and will be dealt with a continuation day if the States so vote.

Deputy J.H. Young:

I just need to reply to Deputy Morel. Obviously, this is a difficult choice. In normal circumstances I would move it, but my Proposition is time critical because P.P.C. have already indicated the tightness of the timescale. If it were put back and if the Assembly agrees it the timescale is very critical. I do not wish to delay that. I want it to go ahead, please.

The Bailiff:

Thank you for that indication, Deputy. Does any other Member wish to speak on the Proposition to sit on Friday? If not, Chair of P.P.C., do you wish to respond?

Deputy R. Labey:

Only as regards P.106, which of course I would be happy to defer. The reason why I am asking the Assembly to suspend Standing Orders and allow it to be taken is because P.P.C. is supposed to publish, by 30th September, the dates for States sittings in 2021. I was desperately trying not to miss that deadline for the sake of Members so they have some certainty and can put that in their diary. But, yes, it could be moved. I suggest we see how we go but I would be grateful if Members would set aside Friday. I think it is a sensible thing, particularly for the Deputy of Grouville's Proposition.

The Bailiff:

Very well, in which case I will ask the Greffier to place a link into the vote on the Proposition that the States add Friday to tomorrow as a continuation day. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Proposition to sit on Friday is adopted.

| POUR: 36 | | CONTRE: 6 | | ABSTAIN: 0 |
|----------------------|--|---------------------------|--|-------------------|
| Senator L.J. Farnham | | Senator I.J. Gorst | | |
| Senator T.A. Vallois | | Senator J.A.N. Le Fondré | | |
| Senator K.L. Moore | | Connétable of St. Clement | | |

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|----------------------------|--|---------------------------|--|--|
| Senator S.W. Pallett | | Connétable of St. Brelade | | |
| Connétable of St. Helier | | Connétable of St. John | | |
| Connétable of St. Lawrence | | Deputy J.A. Martin (H) | | |
| Connétable of St. Saviour | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy J.M. Maçon (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy R. Labey (H) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy of St. Mary | | | | |
| Deputy G.J. Truscott (B) | | | | |
| Deputy J.H. Young (B) | | | | |
| Deputy L.B.E. Ash (C) | | | | |
| Deputy K.F. Morel (L) | | | | |
| Deputy G.C.U. Guida (L) | | | | |
| Deputy of St. Peter | | | | |
| Deputy of Trinity | | | | |
| Deputy M.R. Le Hegarat (H) | | | | |
| Deputy S.M. Ahier (H) | | | | |
| Deputy J.H. Perchard (S) | | | | |
| Deputy R.J. Ward (H) | | | | |
| Deputy C.S. Alves (H) | | | | |
| Deputy K.G. Pamplin (S) | | | | |
| Deputy I. Gardiner (H) | | | | |

It has been suggested that we sit late tomorrow evening, my suggestion to Members is that in the light of the fact that the chair of P.P.C. has agreed to defer his Proposition if need be that the matter is reviewed overnight and if it is still thought to be necessary then Members can make that judgment tomorrow morning. The adjournment is proposed. Therefore, the States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:41]