

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 21st OCTOBER 2020

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[9:30]

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

**PUBLIC BUSINESS – resumption**

**1. Jersey and the slave trade (P.78/2020): Fourth Amendment (P.78/2020 Amd.(4)) - resumption**

**The Bailiff:**

Very well, we now continue the debate on P.78, the Fourth Amendment, and I have next listed to speak Deputy Ward.

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

I hope everyone is well rested and comes back with a fresh mind this morning. This part of the proposition is not about naming squares. We have now moved on from that. We are now discussing a wider field of how we ensure our work on equality and protection of human rights has a firm basis as we move forward. My concerns are around the response from Government re this part of the proposition. The opposition appears to be around resources to undertake this work rather than the principle itself. Indeed it appears that the policy pipeline is the key to actual Government actions, and it could be said that they who control a policy pipeline control Government. We cannot have a situation where because we have a centralised policy unit when it is detached from departments we lose the response to democratic decisions. I want Members please to consider what they are allowing when they vote today. But surely this is about leadership and seeing the longer-term impact of roles such as these. Individual roles have been produced piecemeal; the Children’s Commissioner, the possibility of a Public Service Ombudsman, *et cetera*. This piece of work could assist in joining up roles needed and save money and make them more effective, giving clarity and bringing the type of efficient working we have heard so much about. Let us look at the proposition itself. It reads: “To request the Chief Minister to commission work on the desirability and practicalities of establishing an Equalities and Human Rights Commissioner in Jersey and to present a report to the States on the outcome of this work by 23rd August 2021.” So what we are looking at is not the final legislation but the development of another piece of the jigsaw that will give us greater accountability, transparency and means of address. Further to this is a very interesting email from Professor de Than where she says: “The model I propose would be around £100,000 per year but might save far more than that through human rights education and training, early resolution of disputes and removing many instances of duplication of effort.” A very key point there. “It would also enhance international reputation and open up opportunities including giving Jersey a greater voice internationally.” In a changing world that is a very good thing for us to be doing. She goes further when she says: “Support for individuals, businesses and other organisations in upholding rights and early resolution of advocacy and mechanisms are cheaper than breaching rights and ending up in costly litigation which ties up decision-making years. Nobody knows whether cases about Jersey law are lurking in the immense backlog pending in the European Court of Human Rights.” So here is a tailor-made idea that could be tapped into. This must be seen as an investment and as with any investment we would say: “Well where does the money come from?” I would like to point people to one area for issues like this. On page 128 of the Government Plan they have detailed types of reserve held back and it states this: “The general reserve, and part of the general reserve, is to provide advance funding for urgent expenditure in the public interest and to allow one-off investment for emerging priorities in 2021.” There is £54 million held in that general reserve through departments that is not allocated, so the figure of £100,000, I think it is absolutely not the case that this is not affordable. I have talked about the policy pipeline and policy officers. If there is a shortage of policy officers that are holding back Government then we need to address that issue, otherwise we will have 4 years and not achieve what we want to. I will finish with this: this is an opportunity to add a legacy to Government of genuine structures that add to the rights of Islanders and enable us to lead the way in the international

arena. We should not be kicking this can down the road. It is achievable, it is affordable and it adds accountability, and I would urge Members to support this part of the amendment.

### **1.1.1 Senator I.J. Gorst:**

I am pleased to follow the last speaker because I read with interest the email exchange overnight around what this amendment was all about, which we have just heard and we heard in the opening comments, that this is not really about a Human Rights Commission; it is simply about a piece of work to consider whether it would be appropriate to create a Human Rights Commission. I do not buy that argument. We are right now in the middle of a global pandemic. "Middle" is an interesting word of course because none of us know whether we are in the middle of it or not, but we are in a global pandemic. We are entering a recession the likes of which we probably - although we do not yet know either because that depends on what happens in the pandemic - have not experienced in our lifetime. Some of us who are a little older have experienced recessions and I ask myself about the whole of this proposition, not just the creation of a Human Rights Commission or Commissioner: is now the right time? We have just heard the previous speaker saying, yes, it is the right time. I do not accept that. It is absolutely the case that officials, whether they are in a central S.P.P.P. (Strategic Policy, Performance and Population) or they are in individual departments doing policy, all hands have been to the deck of the pandemic.

[9:45]

Those hands are now easing off slightly dealing with the global pandemic and are looking at what interventions are needed in the economy to ensure that jobs are protected. Let us be honest, jobs are created, because if we look at the unemployment numbers or the actively seeking work numbers, if we look at the social security contribution numbers, we know that hundreds of Islanders right now are out of work. I would say that is a scandal that needs to be addressed. It is a scandal caused by the pandemic and caused by the global response to the pandemic of closing businesses down, of closing Islanders' lives down, and we all know why that was necessary at the time. So it is not true to say that we can simply come along and add another piece of what can only be described as big government with a cost to it. We can do that but other work that officials are undertaking will have to be stopped to do this piece of work. So it may not have to be stopped to do the review piece of work because overnight we understand that the Law Commission have indicated that they could do that piece of work. But I would ask Members, do we really want to ask the Law Commission to do another piece of work that makes a request of Government that sits on a shelf for another 10 years? That would not seem a good use of those individuals. I praise the work of the Law Commission, you know the expertise that sit on that body and the work that they do on behalf of Islanders, and I am grateful to them. But I do not want to set them off doing another piece of work that Members have got no intention then of following up. Because is it true to say that a Human Rights Commission would cost £100,000? Again, we have heard that before. Individuals come along and tell us that: "No, no, no, the Government's view on what the cost will be is over-exaggerated and totally incorrect." Lo and behold, the States make a decision based on the lower cost and in some cases even the Government's proposal around cost has been massively under reported. So the only model that we have got, as others have said, is the Children's Commissioner. The Children's Commissioner and the office of the Children's Commissioner currently cost somewhere just over £700,000. So that is a good indication of what such a body is going to cost. Now, are there economies of scale that could be delivered from bringing together, for example, the Children's Commissioner and creating a wider Human Rights Commission? Perhaps there are. So let us be realistic and suggest you could shave off £100,000 or £200,000; with the best will in the world you are still talking north of £500,000. I know that for some £500,000 here and £500,000 there, there is no problem in making such decisions, but I am not of that view. I look at the Government Plan which has just been published, for the first time in our history we are asking Islanders to borrow for past expenditure to the tune of £380 million. We are about to hopefully approve a hospital of £800 million, which we will need to borrow for. We are, to some extent, at a turning point. Do we want to continue, because by stealth Jersey's

Government has grown and grown and grown, and no matter how many times we have tried to deliver efficiency, we have tried to reduce the headcount, all the things that I am absolutely behind, still government grows. Therefore, I am putting a marker in the sand and saying ... as Members know of course, because I am old dinosaur, enough is enough. The basis of our economic success in our future is not on growing government and reaching out the tentacles into every area of our lives. It is a smaller, more efficient, more effective, more responsible government that gives responsibility back to Islanders to be in charge of their own future and their own destiny. I cannot, therefore, bring myself even to support this amendment, which on the surface looks as though it is only going to be a bit of a review so it is okay. I ask that Members do not support this. When we get to the main debate I may indeed have something to say on that as well.

### **1.1.2 Senator K.L. Moore:**

Much as I often agree with the previous speaker, I must say that I would ask him in this case to think again about some of the comments made in his previous speech. While I absolutely understand the intention and the need to maintain a small-sized government and a small approach to government, this idea of a commission to look at human rights I think - as Deputy Ward suggested in his speech earlier - is part of an opportunity that we have out of this crisis to set our vision for the future and to base our future on our shared values and purpose; a purpose that will help to unite our community. Because it is in many ways a divided community and by focusing on this important subject and giving it the attention that it needs it will help us to do that and to move forward into the future with a greater determination. If we consider perhaps the issues that we all or some of us had when we were meeting up at Fort Regent and considering emergency legislation, the one that always jumps out at me was that which brought a change of rules to the Capacity and Self-Determination Law. There were Members who were seriously uncomfortable about that and at that time also we benefited from the insight and the knowledge of Professor de Than who was able to argue with some of us against some of the measures that were being brought forward. We do need a greater emphasis on human rights and the impact that they do have in our community. Take, for example, the migration control policy that was proposed yesterday by the Government. It certainly could be argued that it could itself hasten depopulation and an impact below on some businesses within our community and our fiscal futures. Deputy Ward spoke of the opportunities that the Minister for Treasury and Resources has within her Government Plan to find funding to support this, and indeed it is not necessarily a case that our own Government employees would have to do this work; it is quite possible that it could be outsourced. The previous speaker even alluded to an offer that has already come forward overnight, such is the importance that a body such as our Law Commission sees that this work could benefit. So I would ask Senator Gorst and any others who are concerned about this proposal to rethink and think about the benefits that it could bring our community if successfully deployed, and what it can do to help us move forward out of this crisis into a world of opportunity.

### **The Bailiff:**

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

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

I am glad that we had a few more speeches in the end because I think this really is a fundamental issue and, contrary to what Senator Gorst said, it is an in principle. Let us read the amendment, because we do not work on anything else apart from the wording of the proposition, which is to request the Chief Minister to commission work on the desirability and practicalities of establishing an Equalities and Human Rights Commission in Jersey and present the report of this work by 23rd August 2021. So the first point is that there is almost going to be 10 months for that piece of work to be done. I have deliberately kept it as non-prescriptive as possible, so I was advised to use the words to ask him to commission the work, and that means that the Chief Minister can choose to do that however he wants. He could ask an already existing group, which has shown an interest to do that work. He could ask a couple of States Members to form a committee to do it. I do not know if

that is necessarily going to win the argument, maybe Members do not want any more work, but I think there are peaks and troughs in the Assembly's work. There are people out there who are enthusiastic about human rights and equality and who would be more than happy I am sure to feed into such a debate. I was a bit surprised by Senator Gorst's speech because we are all getting older and they say that you can become more right wing as you get older, and it was a very strange speech because I know that Senator Gorst in the past has been a strong champion, for example, for the recommendations of the Care Inquiry. He set up the Children's Commissioner which, if you listen to the content of his speech, goes against his idea for small government. It is almost like he is saying that having a community here of actual real people with real needs and complex issues is an inconvenience because: "What I would like as a Jersey Tory is just to have a finance industry and have a nice community where we do not need any legislation, where we do not need any of these bodies and where things like discrimination do not exist because we all try and be nice to each other and we all get one with each other well, and we look after ourselves rather than relying on government to look after us." That is why I was pleased to hear from Senator Moore, who I think our politics are different, but she has recognised that in order to run a civilised society you need a minimum. When we have a context where there is still unfortunately discrimination that goes on, and this is not just about race discrimination now, this is also about people perhaps not getting jobs because they are slightly too old. I had a friend I bumped into by chance, I had not seen him for years, worked at the airport, in his 50s, who has taken voluntary redundancy because his job is no longer available and he is leaving the Island. Somebody who was born here has gone to live abroad and he has made that decision because he said: "Well I probably cannot get any work here at my age." It is okay for us to say: "Well we have discrimination legislation and we have a tribunal and if there is an issue you can take it to the tribunal" but of course a tribunal can only really deal with breaches of the law, and even then there are imperfections. There are a whole host of questions that need to be asked about the level of claims that can be brought and the parity that does not exist between employee and employer, depending on the size of the business of course being involved, and also the ability for small business to be able to represent themselves. So a tribunal cannot deal with that but what a commission can do is it can look at the whole culture that goes behind that discrimination. We know that we have been told in the past if somebody does not want to give somebody a job because they are a woman, because they are too old or because they do not like their ethnicity there is very little you can do about it because you have to prove it of course, and that is a very onerous task for anybody to try and prove discrimination.

[10:00]

But when it comes to the culture, which we should all be I think united on - and I do not think I am the only one in the Assembly who has got an interest in fairness and equality - this is something that we could get behind. What we would be saying today if we do not vote for this amendment is to say: "We have got no interest in this piece of work going ahead at all." So let me talk to first of all the needs and the cost. There was an email sent by Professor de Than which I then circulated on. It is unfortunate at the moment, there seems to be a glitch in our system on the website because Professor de Than is not the first one who has tried to contact States Members using the catchall web address so that we are all supposed to get sent an email, and this email would have got to us a lot earlier before the debate had started, or certainly before it was concluded, but it did not work unfortunately. I will not read it all; I will be selective about the parts that I choose. So she has emphasised that whenever an equality or human rights body is proposed the first issue that is raised is do we need one, and what would it do that is not done already. These are reasonable questions. These are the questions that we have been asking, but perhaps not in depth today. She says: "The list of possibilities includes, but is not limited to, advice and informal complaint resolution for issues where these are not currently available, setting of a threshold standard which preserves individual rights but filters out any frivolous complaints, raising awareness and supporting relevant cultural change, providing advice and training on equality and human rights, producing codes of practice as well as rigorous research monitoring of equality and human rights issues and investigating reported breaches." So

there is a lot of value added stuff that goes in there and it is okay to focus on what the cost of this commission might be but I always bring it back to what is the cost of not having such a body. Not just the human cost, because we know that there will be a human cost in that, but the economic financial savings that could be brought through that. I am drawn to the part where it talks about filtering out frivolous complaints. It also works both ways; so while it will be supporting people who might want to take complaints against an employer, for example, it also provides a framework potentially which makes it much easier for both parties to come to arrangements, which at the moment is not necessarily the case, but again focusing on the wider picture and the cultural change. So she goes on to say that: "Perhaps the most important gain would be an independent eye on the gaps, overlaps, and the potential breaches relating to human rights in Jersey, since that is nobody's job at present. There are, of course, commissioners of various human rights-related issues, regulators of professions and a proposed Public Services Ombudsman but there are still large gaps in their remits and each has a very different focus." I am going to just pause that there. Senator Gorst said: "There might be synergies to merge the Children's Commissioner, the ombudsman and the Human Rights Commission" and I think that can and should be looked at. I think it has got to be done cautiously, certainly there might be a synergy between the Children's Commissioner and a more general human rights and diversity. We have to do that after some research has been done. This piece of work would allow that to happen. It may well be that that happens, it may well be that we end up working with Guernsey or we decide that Guernsey's approach might differ too much to ours and that we want something separate. But we will not know unless we do this piece of work. She goes on to say: "Many human rights have no independent oversight and support whatsoever, as far as adults are concerned, and a lack of evidence as to what the true position is in Jersey. So one body or even one person seeing the big picture can make a difference by removing problems caused by silo cultures. Further, any human rights expert knows that changing a few words in law or policy can prevent human rights breaches and exactly which problems to look out for." I will not read any more of that but she does focus on the cost as well and says that she thinks the model that she is proposing would be around about £100,000 a year: "But it might save much more than that through human rights education, training, early resolution of disputes and removing instances of duplication and effort." I think that is the key there, this is a body which, if it is set up, and remember again this is just about allowing this amendment to go forward so that it can, potentially, be passed today, to allow the Chief Minister to commission that piece of work. This is the bread and butter of Government. I know there are big things being made about this that is going to distract us so much from the stream of work that we are doing. But I would say if this Assembly thinks that equality rights are such an important thing that they deserve to be looked at, who are we to be told by, I do not know, some pen-pusher at the top of the civil service what our priorities should be in terms of a States Assembly? We are the ones who set our political priorities and we also are the ones who set the higher vision. If we say today, look, we have got an aspiration as an Assembly, we might not agree on everything, we might not agree on what the name of the square should be or the process by which we should remember our history and relate it to the present day but what we are all united on is the fact that everyone who lives in our community, whether they were born here, whether they were brought here to work or whether they chose to come here for social or economic reasons, they deserve to have a minimum of being treated equally and a minimum of recourse. The setting up of such a body will tie in the different groups that we have already and it will highlight the areas where there are gaps and where we have got blind spots. That will be good for Government, it will be good for the Assembly, it will be good for all of our institutions to look at those issues right across the piece. I will finish with this, when it comes to a matter of ... and I will finish this time, I know I have had several false starts yesterday, which I apologise for. We are told that we have no resources but we do have resources to give away £100 to every Islander, including those who do not need it. I do not criticise that. I think there is merit in doing that as fiscal stimulus. But that kind of thing does cost £11 million as a one-off and that happens without any backing from the Fiscal Policy Panel to show that that money is necessarily well spent. When we are building an £800 million hospital, potentially, it is great to be able to do that but we do that without even having a Human Rights or Equalities Commission who

might want to have something to say about our hospital. You can be sure that if we did have such a body they would be looking over the plans saying: “Have you thought of this? Have you thought of that? Where is the parking going to be? What is the disabled access going to be?” I am not saying that does not happen. I am sure that all this comes out in the mix. But you have an independent pair of eyes that looks at things specifically which they are tasked to do from that point of view and they help us all up our game. This should not be seen as just, no, this is going to cost more, this is creating more government. It is about creating a minimum level of government for a civilised society that we can all be proud of. Again, this is just the enabling law. If Members do not like what the Chief Minister comes back with, if it is too expensive or if it is not adequate enough, that is the time for us to have our say and put the amendments in. I certainly, as a States Member, make the offer that if there is anything that I can do to help with this piece of work, I am certainly happy to do that. I know that there are other members in the wider civic society with the expertise who can help come up with this piece of work in a timely manner and report back to the Assembly. It is a new day; I hope that we can see this with a fresh pair of eyes and achieve something positive during this debate that we can all get behind. It is baby steps but I think it is important for us, as an Island, to make them and I do close that particular part of the proposition.

**The Bailiff:**

Thank you very much, Deputy. The vote then is on the amendment and I ask the Greffier to put a link up into the vote chat. The link is there. I open the voting and ask Members to vote in the usual way. I will close the voting in 5 seconds.

**Deputy M. Tadier:**

Sir, I have not been able to vote, so I have had to put mine in the chat ...

**The Bailiff:**

We have noted your vote on the chat, as indeed we have the Connétable of St. Mary. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been defeated.

<b>POUR: 17</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 1</b>
Senator K.L. Moore		Senator I.J. Gorst		Deputy of St. Mary
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Peter		Senator J.A.N. Le Fondré		
Connétable of St. Martin		Senator T.A. Vallois		
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 of St. Ouen		Connétable of St. Lawrence		
Deputy L.M.C. Doublet (S)		Connétable of St. Saviour		
Deputy R. Labey (H)		Connétable of St. Brelade		
Deputy J.H. Young (B)		Connétable of Grouville		
Deputy K.F. Morel (L)		Connétable of St. John		
Deputy of St. John		Connétable of Trinity		
Deputy R.J. Ward (H)		Connétable of St. Ouen		
Deputy C.S. Alves (H)		Deputy J.A. Martin (H)		
Deputy K.G. Pamplin (S)		Deputy of Grouville		
Deputy I. Gardiner (H)		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy S.M. Wickenden (H)		
		Deputy G.J. Truscott (B)		
		Deputy L.B.E. Ash (C)		

		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		

## 1.2 Jersey and the slave trade (P.78/2020) - resumption

### The Bailiff:

Very well. We now resume the debate on the main proposition and does any Member wish to speak on the main proposition?

### 1.2.1 Deputy I. Gardiner of St. Helier:

My speech is not a speech, it is more about questions to the proposer and I have 2 questions. The first question and it is all about paragraph (b) of the proposition to request the Chief Minister to commission an audit of all places and names relating to the former ... you know what, I am looking now at the proposition that I opened. Just to be sure, are we still with 3 paragraphs or with 2 paragraphs? Sorry that I am asking ...

### The Bailiff:

The proposition has not been amended. There is, therefore, paragraphs (a), (b) and (c) only.

### Deputy I. Gardiner:

(a), (b) and (c), okay, thank you. I would like to ask 2 questions regarding paragraph (c). The first question: why Deputy Tadier did not bring this as an Assistant Minister for Heritage Culture? Would this be possible to do this work with the Government and bring it to the Assembly as part of the Government working with the Heritage? Second, to take this audit will take probably £200,000, I do not know. I would like to know the financial implications. Would it be better to develop Jersey and the slave trade connection and to teach about this at schools? Would it be more counterproductive than to have the audit done? These are the 2 questions that I would like the proposer to address during his closing speech.

[10:15]

### 1.2.2 Senator J.A.N. Le Fondré:

I am quite pleased to follow the last speaker because I think the points that I would make before I start my main speech is that, yes, in my view it would be more productive to go down the educational route. Secondly, I would say that one of the reasons I am not supporting any part of this proposition is that parts (b) and (c) are well within the remit of the Assistant Minister for Culture or delegate a responsibility to culture. On that basis he could already be doing that work if it was felt to be one of the department's priorities. That is why, from that perspective, I do not support any part of the proposition. What I will say, I would just like to bring us back to the overall part of the debate and also not forgetting of course the part (a), which is the renaming of Trenton Square. I think it has been a good debate and I do sympathise with many of the sentiments expressed so far. But I think part of the problem on this debate is it sort of lacks the nuance and substance, which we alluded to, to address an issue which is as important as racial discrimination. It feels like it is really trying to score - score is probably the wrong word - generate what I call symbolic political points without addressing the prejudice which is still experienced by some Jersey residents who have got an ethnic minority background. In other words, I do not think it is going to solve the problems that Deputy Tadier is, potentially, seeking to solve. I would hope that it goes completely without saying that every Member of this Assembly is committed to ending racial injustice, and not one of us is willing to accept discrimination within our community. It is the case, we know, some discrimination does still feature within our society but, as I said, this proposition does not offer any solutions. Instead it feels like it is proposing symbolism over substances. Instances of racially-motivated discrimination and

obviously taken extremely seriously by the Government of Jersey, both within our organisation via the States Employment Board and externally under the Discrimination Law 2013. It is also the case, as we know, that hundreds of years ago some Islanders played a role in the Atlantic slave trade. Some directly profited by it and others indirectly assisted it, such as by the building of ships. This awful practice is of course abhorrent to us in the 21st century. We must be sober in our reading of history and remember the sad truth that slavery has been endemic to every society in every part of the world throughout human history. The Channel Islands, like almost all of Western Europe, profited through the dreadful practice of transporting slaves across the Atlantic Ocean. However, the inhabitants of these islands were themselves subject to enslavement by Romans, Vikings, Saxon raidings and by Barbary pirates. Even in living memory our Island were witness to the enslavement of P.o.W.s (prisoners of war) as Organisation Todt workers during the German Occupation. It is true the Atlantic slave trade does deserve a unique place in our collective revulsion. It stands apart as one of the most recent expressions of slavery, though not the most recent, and as one of the largest slave trades in history, though not the largest. But it also stands out for a different reason, it is the first slave trade which was abolished from within by brave men and women who stood up and declared that enough was enough, and we have touched on some of that yesterday. But it is worth remembering that once the slave trade was eventually abolished within the British Empire the Royal Navy was instrumental in patrolling the West African coastline to prevent other countries from engaging in the slave trade and here too, and I have been updated in my Jersey history, Jersey played a role. One individual who is buried in St. Helier's cemetery does deserve special mention and a gentleman called William Smith, who was a passionate abolitionist and advocate for women's education, and his memory is rightly celebrated by Islanders today. But as all good comparisons do not and should not excuse the actions of those figures in Jersey's history who profited through the sale of human beings, rather they underline the fact that history is rarely as clear cut as we might like to see it. Try as we might there are very few true heroes or true villains. Instead history is full of individuals who thought that what they were doing was right and who lived by different standards than our time. Even the abolition of the slave trade is in itself steeped in nuance. Sir William Wilberforce, for example, often celebrated in the U.K. (United Kingdom) for his role in the abolition of the slave trade, was opposed to enfranchisement of women and of Catholics. He campaigned against the rights of workers to form trade unions and voted to suspend *habeas corpus*. I, therefore, submit it is possible to take a balanced view of history. We can celebrate Mr. Wilberforce for his actions in abolishing the slave trade without endorsing his other views. That has brought me to a proposition also, I think, brought by the Deputy back in September of last year, it is called the Corn Laws holiday. It was interesting because obviously, as we know, another reference was made to Tom Gruchy as one of the key figures in those very significant changes that the Assembly voted to commemorate. But it was interesting that in the *J.E.P. (Jersey Evening Post)* very, very recently there was a bit of a focus on the history behind it. It identified Mr. Gruchy as somebody obviously living in Boston at some point and it said, the quote is: "This allowed prospective business partners where there is a ring of wealthy men in the congregation [this was to do with his work in the church] who smuggled commodities between the West Indian islands and back to New England. They also traded in enslaved Africans, trafficking humans in those ships' hulls, alongside goods, such as textiles and cocoa." It does reference, which I think the Deputy did make reference to in his proposition that: "Mr. Gruchy was one of their number, as befitted their station life, he kept at least one black slave, who was probably brought back from one of his voyages to Guadeloupe or Martinique." Yet, to quote also from the report that the Deputy produced and it says: "Gruchy was a man before his time." I think that is what the headline of the *J.E.P.* article sums him up as, as the imperfect hero of a home-grown revolution. I think that is the point, it is imperfect. None of us are perfect and that is about understanding history. What I am going to say there is that we go back to the point we cannot change nor erase the past and all we can do is learn from it. When physical remnants of a difficult past are removed it does not make the underlying problem just go away and it does not undo the actions of history. Indeed, it may even have the opposite effect because erasing public reminders of the dark moments of our history makes it even more difficult to keep the discussions in the public spotlight; that is where I think this debate

has been useful. Think how difficult it would be to remember the dreadful suffering of those Organisation Todt workers without the Jersey war tunnels being a permanent monument to the conditions they had to endure. Had a previous generation of Islanders simply torn down the bunkers and erased evidence of World War 2, how might we remember the Occupation differently and how much more distant and forgotten might it seem to Islanders today? Speaking personally, how easy would it be for my children to understand what generations before them went through? What I will do is also just address obviously part (a), which we have covered a lot but do not forget the proposition now is still to rename Trenton Square. I think from there I am going to cite a quote from an email that went to, I believe, all States Members quite some time ago. But it may be a case for retaining the link with Trenton, and obviously for all the reasons we have talked about. I reiterate the point, which St. Helier twinned with the capital of New Jersey. The name of the place was irrelevant to the fact that we are twinning with the capital of New Jersey. The capital of New Jersey is called Trenton. But I think the comment that was made in an email was quite interesting and the author stated: "To think that twinning with a city as such [and obviously he is referring to New Jersey in this instance] and means condoning the reputation of its founder is very strange. One might as well say that it is odd for towns in France and Germany to be twinned with a saint, Helier, whose historical exploits that G.R. Balleine noted are often anachronistic and legendary and, therefore, anything named after St. Helier in those locations should be renamed, so as not to give credence to miraculous stories about floating coffins and a saint who prayed night and day standing on jagged stones, up to his knees in ice water, with nails as sharp as cobblers' awls pricking his chest and back." What was interesting, he reiterates the point about Trenton and New Jersey, he said: "Jersey can indeed be proud to be twinning with the capital of a state which not only played a major role in abolitionism and an underground railway but also where African Americans demonstrated their patriotism by fighting for a better world in which slavery could be abolished." I think that is a different perspective to some of the ones we have been hearing from some speakers in this debate. I go back to the point, I think I have outlined why I am personally not going to be supporting any parts of this proposition because, as I said, rewriting history may score political points and may even be a symbolic victory but it makes it harder to implement actual change and to remember the past. On that basis, I urge Members, it is obviously a matter with the Assembly, to reject this proposition and to appreciate the nuances of our Island's history. We should not be seeking to change our past but rather we should remember it soberly.

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

Just because we have had so many amendments, I wonder if you could just clarify exactly what we are debating, what parts, *et cetera*, please.

#### **The Bailiff:**

We are debating the original proposition because none of the amendments have been passed, Deputy. It is exactly as it appears in the original P.78, paragraph (a) relates to the renaming of Trenton Square as Benin Square, paragraph (b) relates to the request to the Chief Minister to commission a report and paragraph (c) is to commission, in conjunction with Jersey Heritage, the Relations Trust, Black Lives Matter and other potential stakeholders, an audit of place names and other things as well. That is what we are debating, the unamended proposition.

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

I think it is always helpful to clarify that, especially after we have been discussing lots of amendments. Before I speak on the proposition, I just wanted to pay a tribute to the Islanders who are involved in the Black Lives Matter Jersey group, which, as I understand it, is in its infancy, and I think Deputy Tadier mentioned this in one of his speeches yesterday, that when Trenton Square was named that there was no Black Lives Matter group in Jersey. They are very new and I think any of us who have taken any kind of part in organising campaign groups knows how difficult it is to organise people and to set up a group like that. There is a lot involved and, of course, it is usually volunteers. I understand that that group does have a wide range of experiences and viewpoints. They

are in the early stages of being discussed, and more power to them for that work that they are doing; it is really important and I hope they do continue. Of course the group have made a great effort to get their comments to States Members and we really do thank them for this. This proposition obviously relates to an issue which is very much in the public eye at the moment. Deputy Tadier has been criticised for jumping on a bandwagon. I am not sure that is entirely fair and I do applaud the Deputy for caring about this issue. Any work that aims to improve equality, diversity and inclusion in Jersey has merit in my view. I think we have come so far that we are having these conversations about equality, not just about gender but about race and other factors. It is a shame really, is it not, that it has taken that international event, a tragedy somewhere as far away as America, to filter through to our Island, for us to start having these meaningful conversations about race? Because it is really important that we have these conversations. I do not know about others but my eyes recently really have been opened to some of these issues that we have around race that we do have in this Island. Personally, I was not aware of a lot of the issues that we did have and no one had ever really approached me to tell me about some of these issues. Now is really the time that we should be listening and we should be trying to find solutions for how we can make life better for the minority groups that do add so much to our community and they deserve equality. I do have some issues with this proposition. It is not a perfect proposition but, as I said, I am grateful to Deputy Tadier for bringing it. The one problem that I do have with it is that it is aiming to solve a problem and we do not really know what the problem is yet. We do not know what all the issues are around race in Jersey. I do not feel like we are far enough down the line in terms of having those conversations to really know exactly what the problems are to then be able to solve them. For my own part, now J.C.R.T. (Jersey Community Relations Trust) and other equality groups have a part to play in this, I am sure, and so I want to hold my hands up and say on behalf of equality campaigners in Jersey perhaps there is a lot more that we could have done in the past to investigate these issues and start conversations around them. I can only say most of us are working flat out on these issues across many different factors and there is a lot to be done.

[10:30]

We are doing our very best often with little resources or no resources and volunteers. But, as I said, the conversation has started and J.C.R.T. has engaged with Black Lives Matter in Jersey and our aim really, I think it is fair to say that it is universal across all the trustees on J.C.R.T., is that we would really like to learn from the black community and hear their voices and listen to what their priorities are. We really want that to come from them. We have reached out to them and we have heard about some of their current work, which is developing. Some of this includes developing the arts relating to black culture. There is some work, I think, starting at the Arts Centre developing a wider knowledge of black history within the Jersey community, including black historical figures, increasing knowledge of black culture by looking at providing books to schools, well-being of children in our education system who may be experiencing prejudice, liaising with Jersey Heritage in respect of artworks, *et cetera*, which might have been linked to slave owners in Jersey, looking to celebrate the abolition of slavery. Some of this relates to the proposition which is before us today and Deputy Tadier has, of course - I think part (b) it is - looks at a memorial, acknowledging Jersey's part in the slave trade. Some of that relates to the work that Black Lives Matter have communicated is important to them. They are at the very early stages and I think for us to force these priorities in this area, it does not feel quite right to me. I do not think the black community needs saving by us. What we need to do is create space to listen to their voices and support them in setting and achieving their own priorities. I think a lot of the discussion - J.C.R.T. spoke to a representative from Black Lives Matter - centred around what it is like to be a black person in Jersey today. We heard that there is no universal black experience, of course there is not. This is a quote: "In the U.K. the racism was in my face so I knew what I was fighting, whereas here in Jersey it is more subtle. There are not enough stats to show how black people are treated. Where would we go if something happened to us? Who would listen?" I think that quote, which is from a black person in Jersey, is quite telling, and that is along the lines of what black people would like to see from us. I am likely to support this

proposition today. I am not sure about part (a) because I would have preferred Deputy Perchard's amendment. I am likely to support part (b) and part (c) because I do not see that there is any harm done by these. I think part (b) is a small piece of work, part (c) is already underway, so I think Members can certainly confidently vote for part (c) and I hope they do vote for part (b) as well. But what I want to do, while we are discussing these issues, is to call on the Council of Ministers, and it is a shame that the Chief Minister has already spoken. I agree with some of what he said. He was mentioning that we need to explore these issues further and I hope that he will find a way to do that. I could have put this as an amendment and I did consider putting this as an amendment but I decided that I would just make my request directly to the Council of Ministers today. I wonder if the Deputy of Grouville might be the ideal person to respond to this request instead of the Chief Minister. She is the Assistant Chief Minister, I believe, and of course she is doing some really in-depth work at the moment on Island identity. I think this fits really well within her remit. These gaps that I have identified and the gaps that the black community have identified to the Community Relations Trust, I would like that gap to be filled by a small piece of work, which I think should have come first before this discussion but it is not too late. I would really like the black community to be given an opportunity, a genuine opportunity to tell us what life is like for them on our Island and to gather their views. This would be relatively low cost. I looked into this, we have used a company called 4insight, I think there are others out there that do focus groups and more than one review that I have been part of, it has cost around £10,000 to do some quite broad focus groups looking at groups that are representative across different sectors of the population. I think for that sum of money, I think that would be something that the Council of Ministers could find that sum of money, whether or not they are going to support this I think that would be a good gesture. If we did have that piece of work for that small amount of money, we would then have something tangible which we and the black community could then build on and start to wipe out any incidences of racism in Jersey, large or small. It would add value to the proposed new Hate Crime Law. Yes, I will be supporting parts (b) and (c) certainly of this proposition. I am not sure on part (a), I am going to listen to other speakers. Yes, I would really like to see that piece of work done. I hope that one of the Council of Ministers could respond to that request, given that we are talking about this topic today. It seems like the Council of Ministers are opposing this but if they are going to oppose it, please commit to doing this small piece of work to help identify the priorities. I am just checking my notes to see if I have said everything I wanted to say. I will finish there.

#### **1.2.4 Deputy L.B.E. Ash of St. Clement:**

Part (a) of the proposition proposes that the States of Jersey Development Company or S.o.J.D.C., as I will refer to them henceforward, be requested to rename Trenton Square as Benin Square. On behalf of the Minister for Treasury and Resources, as shareholder representative, that is what I am speaking to. It is true that the S.o.J.D.C. owns Trenton Square, on one side of which stand the 2 high-quality office buildings in the International Finance Centre, the development overseen by S.o.J.D.C. Trenton Square is the most significant new area of public realm to be created in St. Helier since 2011 and will be expanded further to the west as the development of the I.F.C. (International Finance Centre) continues. P.73/2010, the proposition approved by this Assembly to establish S.o.J.D.C, envisaged that new areas of public realm would, ultimately, be transferred to the respective Parish in which the public realm resides. It remains the intention that once the development of the I.F.C. is complete, ownership of the entire public realm will be transferred to the Parish of St. Helier. Nevertheless, while S.o.J.D.C. currently owns the square, as Deputies Tadier and Perchard both know, the actual naming of the square was directed by the Constable of St. Helier. I must say that given the Island's longstanding historical links with New Jersey and its citizens, as well as the Island's own international financial services industry, the name appears to be a good fit. Members will recall that Trenton Square was inaugurated and opened last year in a naming ceremony hosted by the Constable of St. Helier and attended by the Mayor of Trenton, along with other senior politicians from New Jersey. The Assembly may also be aware that the New Jersey delegation attended the Island's Liberation Day celebrations at the invitation of the previous Bailiff. No doubt the Constable will

have his own views on the consequences of renaming the square now, including the fact that St. Helier was subsequently twinned with the city of Trenton and the expressed view at the time that the twinning with the capital city of New Jersey would boost the tourism industry and build cultural links with New Jersey. It is worth reminding ourselves that Trenton Square is not named after William Trent, it is named after the city of Trenton, state capital of New Jersey, which it must be admitted is in turn named after William Trent. However, if the culturally diverse inhabitants of Trenton do not have a problem with the name of their city, I find myself asking the very simple question, why would anyone here in Jersey object to the name of this well-constructed square in St. Helier? Who are we to disrespect the city of Trenton and its approximately 8.8 million residents? In conclusion, may I stress again that the S.o.J.D.C. were guided by the Constable of St. Helier in the naming of the square. I will close by quoting one of my favourite people to quote, and I know Deputy Morel will be pleased by this, Sir Winston Churchill: "If we open a quarrel between past and present we shall find that we have lost the future."

### **1.2.5 Deputy R. Labey of St. Helier:**

I am only speaking to part (b) of the proposition to establish a permanent memorial. Memorials, statues, public art are important. People like them, they appreciate them, they learn from them. They help to define a place's identity. To my mind there are some very clear priorities on public art memorials in the Island, the first of which is to reassemble, re-erect the Newgate Street Prison arches. They are all there lying on a field and they are in themselves a work of art and they do tell a story. How marvellous it would be to have them back again and they would enhance, would they not, any area of public realm or square? Would it not be amazing when they have been re-erected, travelling through them or around them, to meet some of the people that went through those arches to incarceration wrongfully? Of course she has been mentioned before, one immediately thinks of Louisa Gould and of course Feodor Polycarpovitch Burriy or Bill, the Russian slave worker that she harboured, and who spent many a time and many meals in the room I am in now in St. Ouen and eating, as my grandparents looked after him, and painting portraits of my family, all of which were later destroyed for obvious reasons when she was informed upon. We really must have a statue to Louisa Gould and I think that could be fitting. We could also have a statue of the Russian, Bill, with her and maybe that would be a new focus for the commemorations of the slave workers that were here during the Occupation in time to come. There are other interesting people we could meet around there who were associated with Newgate Prison, of course, during the Occupation, Claude Cahun, a French national heroine but she is our national heroine too, not only for her work and her photography experimenting in gender fluidity half a century before that term was even invented, she was a resistance fighter, was she not, dropping little notes, handwritten notes into the uniform pockets of German soldiers asking them to revolt? Of course she was incarcerated for that and she never really recovered, her health did not, from that incarceration. She would be an important monument too, would she not, especially as she is one of our greatest members of the L.G.B.T. (Lesbian, Gay, Bisexual and Transgender) community in history? Then of course there are others you can think of, like Bernie Turpin, who escaped from Newgate Street Prison and in doing so broke the ankle tendons in both ankles and had to drag himself along the floor all the way to the west of the Island and home. He is 94, one of our Occupation survivors. Would that not be an interesting story to tell as part of the memorial? I think that is top of the list and could be magnificent. As to the arches, we do not have to buy them, they are already there, we just have to put them up and find a proper place for them. I ask Members to consider Copley's painting of the Battle of Jersey and imagine we are just turning up into the Royal Square, going through that little passageway, between Pearce the jewellers and Gallichan, along by the Peirson pub. Would it not be wonderful to be met by a double life-sized statue of the Royal Ethiopian Regiment Riflemen, so prominent in that painting? A man of colour, a black man with his rifle trained on Baron de Rullecourt in the place where Copley painted it; I think that could be fantastic. We do not know his history but it is very possible that he was pressed into service. It is very possible that he could be the focus for a memorial to all those men and women of colour enslaved. I think with a bit of imagination we can do some really wonderful things. I know

that what we come up with whenever we suggest this sort of stuff, especially in these times, it will be, yes, that is all very well, it is nice to have; we will save it for a time when we have got a bit more cash to spend. We are all recovering both emotionally and financially from COVID, now is not the time.

[10:45]

These are precisely the times when edifying, uplifting, unifying public art is most appreciated and most welcome and most needed. I am not sure a report commissioned by the Chief Minister is the right way to go here. I think we should go straight to a public art memorial's commission, apologies if one already exists but if one does we need to beef that up and help it along. Because there is huge potential here but there is a list of priorities and those are mine.

### **1.2.6 Deputy K.F. Morel of St. Lawrence:**

For really the wrong reasons but I found the effect that Black Lives Matter movement has had on me personally, my understanding of the history of Jersey and the history of Europe, to be quite fascinating. There is no question in my mind that the Black Lives Matter movement, which, let us not forget, started off as a civil rights movement in the United States, focused very much on the barbaric treatment of police forces in the United States of black people and that it was very much focused in the U.S. (United States). It moved to Europe and to Jersey and I think the thing the movement did for me is it got me to think very strongly about Jersey and myself. Because I kept looking at this civil rights movement in the U.S. and wondering, what is it doing over here? Why does it matter? Clearly, it does matter because what it showed me is that I know, and I will be rude enough to suggest, that there is pretty much 180,000 other people on this Island who knew very little about Jersey's role in the slave trade. Of course, what focused that discussion was the statue to George Carteret in St. Peter and in a kind of paradoxical manner by focusing that discussion the memorial or the statue itself proved its value and its worth. Because while it was not the intention of those who built it in 2014 to start a discussion on Jersey's role in slavery, within 6 years that is exactly what that statue had done. I am thankful for it and I am thankful for the Black Lives Matter movement in Jersey and in Europe for helping me understand and learn more about Jersey's history as a result. The history of slavery is without doubt one that I would suggest, and in fact other people would suggest, Britain prefers to try and ignore. I will just read a little bit from David Olusoga's story, who recently wrote: "Slavery resurfaces in America regularly. The disadvantage and discrimination that disfigures the lives and limits the life chances of so many African-Americans is the bitter legacy of the slave system and the racism that underwrote and outlasted it. Britain, by contrast, has been far more successful at covering up its slave-owning and slave-trading past, whereas the cotton plantations of the American south were established on the soil of the continental United States, British slavery took place 3,000 miles away in the Caribbean." In fact I could not agree more, Britain and its role in slavery tends to be focused on the abolition of slavery, it does not focus very much on the 400 years previously in which Britain enriched itself on the back of slaves from Africa that it was exporting. Again, I can personalise this to some extent, and I do not think my wife's family are going to thank me for it, but a few years ago we had a family holiday in the Caribbean, which is very lucky, and through my wife's research into her family, her parents are English, she had discovered that one of her ancestors had been the Governor of the Leeward Islands in the 18th century. In our wonderful naivety and ignorance we thought would it not be wonderful to go to the National Museum in Antigua and see if they have any mention of this William Woodley, who was also an M.P. (Member of Parliament) in Westminster? So we did and we went to the museum in Antigua and it is a fascinating place and very small and of course we were slightly shocked and, again, this just shows our naivety, to discover that William Woodley, yes, was Governor of the Leeward Islands, based in St. Kitts at the time. But he was a slave owner as well and, not only was he a slave owner, he executed members of a slave rebellion. It was horrific to read what he had done as an M.P. and as a Governor of a British colony. What brought it to me was that it had not even entered my head before travelling out there that that would be a likely part of his past. The reason for that is because in Britain they do not

teach about slavery in its true form. The true form of slavery is not the abolition of slavery, it is the transport in horrific conditions of millions and millions of people across the Atlantic to work in horrific conditions for the rest of their lives without any acknowledgement of their own humanity. This was also pushed, before I travelled to the Caribbean to do that, I had also travelled to Senegal where I visited the slavery museum. That in itself brought home to me the conditions that people were packed into those boats and in which they had to survive, if they were lucky and perhaps in fact if they were unlucky. It is against this background that I find it fascinating that at no point did I really ever think much about Jersey's role in that slave trade. But the Black Lives Matter movement, the George Carteret statue have helped me and helped me learn. There is no doubt that we cannot pretend history did not happen. We cannot deny the events of history but we can change the narrative in the way that those histories are told. The British narrative is one of empire, glory and abolition; that is not what people were experiencing on the ground. In Jersey we have learnt our history through the eyes of Britain but the reality is there was no glorious empire, there was only conquest, oppression and pillage for the betterment of one small nation at the expense of millions of people living in dozens of other nations. It is very interesting when we talk about America and obviously Britain, while you see America as a very independent nation now. Britain obviously for a large part of its history the U.S.A. (United States of America) was a colony of Britain. We still in Europe like to think of Columbus discovering America, which in itself is a false history from the perspective of its discovery by Europe. I would also like to read something by a historian who works for Duke University, Laurent Dubois, writing about the history of Haiti. I think it tells us a lot about the importance of understanding history from different sides and understanding the perspective of the narratives that we read and learn. He says: "At the basis of every work of history is a question of positioning. This is also on some level an ethical question. Whose history are you telling and from whose perspective? As the Haitian thinker, Jean Casimir liked to put it: 'When you write the story of Columbus arriving in what the indigenous people then called Haiti, you have to make a decision, are you on the boat or are you on the shore?'" There is no doubt in my mind that from Jersey's perspective the history that has only ever been told is the one from the boat. It has never been told the history of the people on the shore and in fact that can be said for most of Europe. It is time, I think, and with regard to this proposition, to start looking at the history of Jersey and the history of Britain from the history of the people who lived here and the effects that those people who lived here had, not just tell the story of the kings and queens that lived in the United Kingdom. Too many of us do not know our own history. I am one of those ignorant people and I believe strongly that it needs to change. Sadly though this proposition does not, in my view, address that. We need to teach Jersey's history to all and we need to teach the history of Jersey's people, the economies they built, the communities they lived in. It is not sufficient to view Jersey through the eyes of the British Crown. We need to view Jersey through the lives of Islanders. The Minister for Education sent us the history curriculum, it is very useful but it saddens me that it barely looks to have changed in 30 years. When I read the history curriculum the Minister for Education sent us everything that was on there was the same as I learnt; Neolithic man in Jersey, the Battle of Jersey, the Occupation of Jersey, Jersey through its relationship to the Crown in England. They did not teach us about the Jersey slave trade; it is mentioned on that curriculum. Personally, I never learnt anything about the Jersey slave trade and I think the discussion over George Carteret's role shows us that most of us have never learnt Jersey's role in the slave trade. The answer to our understanding of Jersey's role in the slave trade is not to audit street names or change place names or to build memorials, as useful as they can be. The answer is to fund the learning and teaching of Jersey's histories in school and beyond, so that all of us can begin to understand how we got here, how we enjoy our wealth today. It still amazes me most of us do not know the history of how Jersey built the finance centre; that is our current modern history and most of us do not know how we ended up in this situation. It is time Jersey learned the role the Island played on those boats as they set out to the Americas. It is time Jersey learned of the effects that those boats had on those shores. It is no longer good enough for us to think that we had a shipbuilding industry here to harvest fish from the grand banks of Newfoundland; they did a lot more. In fact a photographer based in St. Lawrence has done an excellent project about Jersey's merchant shipping links between here, South

America, Italy and its role in the slave trade as well; again, something I did not know. Interesting the person who did that is not from Jersey but has taught me much already. Sadly, this proposition does not do that teaching. It focuses on a few details and not the bigger picture, which is a decades-long period to give due respect to our Island's history by teaching our history, the rights and wrongs that our community committed, not the history of those in Westminster would have liked to have us learn. But we know that they gloss over it all; for them the history is abolition, glorious empire and that is not how most people experience things. That is what we need to change, supporting this proposition will not change that, so I will not be supporting this proposition.

### **1.2.7 Senator S.Y. Mézec:**

It is difficult to follow a speech like that. I think about 99 per cent of that was excellent and I wholeheartedly endorse comments that Deputy Morel made about imperialism. There was a quote from George Orwell that I think sums up imperialism. I do not know the exact wording of it, it is from the book *Burmese Days* where one of the characters in it says to a woman that this character is dating, says: "Imperialism, my dear, is about going to other people's countries and stealing their things." That is basically what it is, there is nothing glorious about it and when you delve into the history, as, thankfully, more and more people are doing now, you discover the real truth behind it; the mass murder, the torture, often rape inflicted in situations where empires are ruling over other countries, the exploitation of natural resources but also of human beings is one where there is no glory to be found, even though for so long, particularly in a British context, it has been taught as something that is to be gloried in. The effect that that is now being seen to have today is for people who have a personal connection to the victims of imperialism, is now a big resentment.

[11:00]

Understanding why people feel that resentment and how those of us today who may be the beneficiaries of that imperialism in the past, by living in countries and societies whose wealth is built on that history of imperialism, is a really, really important thing to do. To understand how we come together and find a shared view of history that tells the full story that we can move forward together in learning the lessons from that. Understanding that we have, as human beings, more which we have in common with one another than we do which divides us is a really important thing to do. I commend Deputy Tadier for bringing this proposition because I think that it is in that spirit in which he has brought it, and I think that is very clear. This does present an opportunity, as some have used. Deputy Tadier's opening speech to this debate in particular was excellent because of all those historic things that he raised that many may not have been aware of. Deputy Morel just now raised some important issues as well. The debate is important for having the opportunity to do that but it is also important because it provides those who are so ignorant and have such a misunderstanding of our history, provides them a platform to display their rather embarrassing sycophancy of some of these historic characters and events and helps us understand how much has to be done to overcome that. The debates about the George Carteret statue are important because we find ourselves in the year 2020 seeing people coming up with excuses for the glorification of a slave trader. Hearing those excuses and trying to understand what makes somebody think these things is important and understanding what we are up against. Hopefully, it provides us an opportunity to conclude that it is extremely important in these processes that we engage with those who have a close personal connection to issues of racism, to do with issues of discrimination and to do with the resentment that is caused from certain parts of our history being not told or, at worst, actively being covered up. I will give an example where Trenton Square comes into it. This starts bad but has a slightly better ending, which is that when some of the debate started months ago when a version of this proposition was first lodged, I noticed that up at Trenton Square, on the boards that separate that area from where the development is happening next to it, was a display put up just explaining some of the history around Trenton Square and Jersey's connection with New Jersey. It did not say anything specific about William Trent's history with slavery. I can sort of forgive that because the intention of the link is about the place rather than the person, so I can sort of get around that. But in describing the history

of Jersey's connection with New Jersey, this display board talked about George de Carteret who was a Jersey person, nominally a Jersey person, of course he did leave Jersey the moment he got a better offer elsewhere. But it contained no statement of the fact that his position in holding Jersey for the royalists was very much a minority position and he spent a large part of the war sieged in Elizabeth Castle and would not have done very well among the public of Jersey had he walked on the shores of the Island, and the fact that he was a slave trader. Also the fact that in establishing New Jersey, land which was stolen, let us be clear about that, empire is about going to other people's countries and stealing their things. The land of New Jersey was stolen and given to George de Carteret to help found New Jersey. In doing so, he established a regime, which gave extra incentives for population growth, specifically slaves. Compared to the other colonies, it was particularly bad. There is no mention of anything on that display, again put up very, very recently. I raised this with the C.E.O. (chief executive officer) of the S.o.J.D.C. and I commend them for taking extremely quick action on this. I did have to point out to them that on this board was a large blank space, which could very easily have been graffitied if somebody had the initiative to do that, which would have been embarrassing for them. But they did take action and took that display down because it gave a very narrow view of the history without the negative side of it that comes with it, which is extremely important to understand if we are to know our full history and how we move forward in understanding the negative role that we have played in the past and using that to inspire us in the future to play a positive role. That is an important thing to do because there are loads of positive opportunities we can have in the future. We should never stop bragging about the work that the Overseas Aid Commission does, for example, where we go to places that are often stricken with poverty or the consequences of war to try to help people there. Not just a tokenistic donation of money, but active help on the ground as well is an extremely important thing to do that we can celebrate. While at the same time being honest about our history and the reasons that we became an affluent society. That can be a unifying thing. So I differ with Deputy Morel in his conclusions on how to vote because I will vote for parts of this proposition. Part (a) is perhaps the most problematic. You can argue that it is arbitrary to go from one name to another and maybe the other has complications alongside it as well. But I am persuaded to vote for it purely for the symbolism of provoking some change where I think that there was not the appropriate dialogue in the first place of deciding how to name it. For parts (b) and (c), I will vote for those as well. There was some criticism that is unjustified to Deputy Tadier about his role as an Assistant Minister being able to go and do this work without reference to the Assembly. The Assembly is obviously the sovereign decision-making body of the Island. Deputy Tadier said he did not feel that he necessarily had the mandate to go ahead with this. It is arguably an issue that has arisen in a political context subsequent to him becoming an Assistant Minister. There is absolutely no given that there is support for this work to take place. If Members are going to vote against those parts on the basis they think Deputy Tadier is able to do this without reference to the Assembly, then can you say that you actively support him doing it and want him to do it because you think it is a good thing for him to do it, rather than just have a convenient way to not attach yourself to it? Because the work that would be done under this may well prove to be controversial. It may well be demonstrated, once this work is done, that there may be more things out there that we have not discovered yet that can prove to be embarrassing. There may be important characters in Jersey's history who, it turns out, are not quite as great as we have been led to believe. It may be that there are places or monuments up that have a darker side to them that we are not aware of. Let us be clear, there are people out there in our society who do not want this work to be done, who think people should just shut up about this and be grateful for what they have. So, if it is the case that Members want to vote against those, at least please express your support for Deputy Tadier doing it separately so he knows that he has the mandate to do that. Because, if you are not prepared to do that, then this proposition, as he has put it, does make sense to get the mandate for that work to be done and for us as an Assembly to say: "Yes, we think as part of that reconciliation about our history and moving forward that this piece of work is an important part of that." So I will vote for all parts of the proposition on those bases. I hope Members will do so as well. I commend Deputy Tadier for provoking what has turned out to be a really, really interesting debate.

### **1.2.8 Deputy C.F. Labey of Grouville:**

Before I start, I would just like to apologise for not fully participating yesterday afternoon in this debate. Unfortunately, I had a personal commitment that I had to attend, so I would just like to put that on record. I am probably coming at this from a different angle to the proposer and say that Jersey has much to be proud of in its past. But, like every country, we also have darker passages in our Island history and Members will have heard of the old phrase: “Those that do not remember their history are condemned to repeat it.” Last October, the Chief Minister established an Island Identity Policy Development Board, which I chair. So I am quite grateful to be given the opportunity here of talking about it. This board was tasked, we came from a group of citizens and politicians, and we were tasked with investigating what makes us Jersey and what we can do to preserve and nurture a strong and inclusive sense of community. Over the last few months, we have heard evidence from scores of people about how we view ourselves and how others see us. We have much more to do in this area. But one of the key recommendations of this report is, not only that our children are given greater opportunities to learn more about our Island history, which includes all our history, our constitutional history, which we have learned there is an awful lot of ignorance about. So we have a lot of work to do there. But also, not only to educate our children, but to educate newcomers, civil servants, hospitality workers and other members of our diverse community. In common with all nations, this history includes elements of slavery and colonialism and also piracy and smuggling. Yes, some of the wealth we enjoy today can possibly be traced back to these shameful episodes. Our children need to appreciate this, as do those who make Jersey their permanent home. There must also be no doubt in anybody’s mind that, yes, black lives matter, and that, no, they have not always mattered as much as they should have done. But we must also celebrate the good and we have a tendency in this Island to focus on negatives. We should remember people like William Smith, a Ghanaian who moved to Jersey in 1871. He championed female education, helped to found Jersey College for Girls, and is credited with saving more than 30,000 people from slavery in Africa. Or, as has been mentioned already, Louisa Gould, who gave her own life to do what was right, sheltering a Russian slave worker during the Occupation. We should also focus on the many ways we act as a force for good in the world today. This includes, and I am glad this has been mentioned already, our highly effective international development programme. There are many ways that Jersey Overseas Aid is helping Jersey to build a better legacy. For example, one of our 6 target countries is Sierra Leone, which was once heavily involved with the trans-Atlantic slave trade. Right now, in Sierra Leone, we are building a national network of nurse-led paediatric training and mentoring with the U.K.’s Royal College of Paediatrics. We are building wash stations in 40 schools benefiting 6,000 students. We are improving financial literacy and access to basic financial services for 100,000 people. So Jersey is playing a part. However, we do need a public debate about who and what we celebrate or memorialise.

[11.15]

The Island Identity Policy Board has kicked off a process and we look forward to hearing the views of States Members and others over these coming months. I also look forward to a new cultural strategy, hopefully brought forward by the Assistant Minister for Culture. I just thought I would make these few comments here. I will not be supporting the main proposition. I do not believe in provoking this sort of symbolism that the previous speaker spoke about. I believe that in this case we ought to be looking to proceed to a future, a harmonious future, certainly with our colleagues in New Jersey and across the world.

### **The Bailiff:**

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

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

Can I thank Members who spoke? I am going to keep the camera off in an attempt to get more votes. The real reason is that I did not have time to put my tie on; I got caught out. But I am otherwise appropriately dressed. There are quite a few comments and I will be aware that some of the comments would have been made yesterday during some of the amendments, which were germane to the more general debate. I may not necessarily be able to address all of the comments that people have made but I will try to address the gist. So starting in no particular order, the question has been asked, why do I not just go away and do this as an Assistant Minister? Senator Mézec did touch on that to a certain extent. That is because I am not a very important politician. I have no mandate for my role from this Assembly. I have been appointed by my Minister for Economic Development, Tourism, Sport and Culture in conjunction with the Chief Minister. Nobody has ever voted for me to be in this role. Nonetheless, I hope I try to do the role as best I can and I do not shy away from any type of work. The point is I would put it back to the Chief Minister that this does not have to be so complicated. So we can talk about the merits of (b) and (c) and that is what we are here to do. But the point is that the Chief Minister said yesterday that the Council of Ministers backs me fully to go away and do these pieces of work. Yet they have never told me that. They have never once said: "By the way, why do you not go away and do this?" The comments were submitted on the day before, if not on the day itself, and I was never told what the direction of travel was from the Council of Ministers. I could not have presumed either that there is a consensus because we know that the Council of Ministers is very much a coalition administration and there are diverse views. So I have no way of knowing whether or not the States or even indeed the Government wants me to go away and commission a report establishing a memorial to acknowledge Jersey's part in the slave trade. The reason I would at best have mixed messages from the Assembly is because yesterday we voted to say that we cannot even agree as an Assembly to acknowledge that we have a well-established day on 23rd August every year, which is the international day for the abolition of slavery. If we cannot even agree that as a States Assembly then what kind of mandate do I have or direction from this Assembly to suggest that I should go away and do even more in-depth pieces of work, which might not find the political support? This is part of the problem, is it not? We have Ministers, we have real Ministers in the Assembly, who are trying to do their best to bring forward pieces of work, only to find out that they do not have any support from the Council of Ministers. So I would say to the Chief Minister that equality and diversity are such important and fundamental issues that they fall under the Chief Minister's remit. He needs to start showing leadership for what kind of Island and vision he has for our Island community when it comes to issues like diversity and equality. It is going to take more than fine words. Let me give you 2 stories. I hope I have not told this story before, apologies if I have. This is why this is a real issue. This is not just a historical issue. So this is not about trying to make a quarrel between the past and the present, as Deputy Ash has quoted. But it is to do with what the Deputy of Grouville said, which I was going to quote anyway. It is about who forgets the past is destined to not learn from it. I am paraphrasing. That is also a Winston Churchill attributed quote apparently, Deputy Ash, and maybe that will make you think. I remember a story from a friend of mine who said that his girlfriend was quite new to the Island, they are married now, and she was looking for property, as is a difficult situation for many people who come to the Island, and even for people who have been here a long time. It is a complete nightmare to look for a property. She drove out to a place in the country, knocked on the door and said to the person: "I am here to look at the property", in her, it had to be said, slightly broken English. Some Members of the Assembly might appreciate that you can get judged for your accent unfortunately. I have certainly had it when I try to speak French or another language. The person basically looked her up and down and said: "Sorry, this is only for English-speaking people" and shut the door in her face. She said that she went back to the car and just started crying. We have heard from Arthur Kembo and it is true that there are various groups in society, individuals who are not necessarily willing to speak out because of their jobs. So this idea that we have legislation in place, it is much more complicated than that. So, anyway, Arthur Kembo was on the radio the other day saying that racism does exist in Jersey like it does everywhere else. It ranges from the type of thing he calls innocent or well-intentioned racism, like people saying to an African person: "Can I touch your hair?" I was also told

another story, again by someone well-intentioned, this probably happened many years ago, about an older person who was having a lodger, a black person as a lodger in Jersey. Because she did not necessarily have the politically-correct vocabulary, she was telling her friends at church and elsewhere: "I have a darkie staying with me." All done completely innocently of course. So when she told this person: "I have been telling my friends that I have a darkie staying with me." She said: "Why have you been telling them that? I do not really like being called that." She said: "What should I call you?" and she said: "Just call me Debbie." I thought the humanity of that story really spoke to me because this is not about bashing people over the head for not being politically correct necessarily. There are times when we do have to stand up to deep-rooted racism. But this is just about education and having those conversations. I was really pleased that Deputy Morel quoted David Olusoga, who I have also been listening to some of his videos and reading when I have been going out for walks. He has summarised very well the plight of black people still living in the U.K. and that it still remains a very salient issue. But of course there are more serious issues to do with racism that still exist today and that are being faced, not just by the black community in Jersey, but by the Portuguese community, the Polish community. I have been told by these groups that I have been speaking to, because it is also a cultural matter. In the future I do not necessarily mind putting some of the cultural budget towards these things because it is fundamentally to do with the community and to do with our wider Jersey culture. There are people who are facing real discrimination in their jobs. So there are people over here, for example I was told of one case of somebody working in a well-known industry in quite a well-paid job, for which he was qualified. He was brought into Jersey. He got paid £40,000 for a job that somebody who is already in the Island and only the same qualifications as him, no more than him, is getting £75,000 for. That is real discrimination happening and that means that person, their spending power in the economy, is already compromised. So there is an economic as well as a social and personal story to all of this. I would say to Deputy Morel I was very impressed by his speech and, like Senator Mézec, I agreed with the most part of it. I would say it is not just about teaching local history; it is about teaching all history and about the wider context. I do not think we can separate it. But then again if you teach Jersey history you teach world history because everything, as we know, is interlinked. But this will be a corollary to what comes out of these audits. So the purpose of having an audit, for example, of all place names and memorials, *et cetera*, and it will not just be focusing on links to slave trading, it will be focusing on the whole piece. With Deputy Labey as well, I did not know if Deputy Labey was being sarcastic when he started listing all the things that we could have on all these monuments because, if we had a monument to everyone that has ever done anything great, we would not be able to move for them. So it is slightly more nuanced and complex than just having that. But it is about how we tell the stories of voices that are not normally heard. So, for example, if I said to Members the name Orpheus Beaumont, how many Members would know who that person is? I know it has to be a rhetorical question although feel free to put your hand up in the chat, I will not be taking any points of clarification on this one. But, as a rhetorical point, who was Orpheus Beaumont? We probably do not know and I certainly did not know until this year, but she was a really significant female person born in Jersey but who moved away. Her claim to fame was that she made one of the first lifejackets, the first modern lifejackets. Before her time, lifejackets were made out of cork and really dangerous of course. If you were jumping off a sinking ship into the water from a great height and you were not holding on to your cork lifejacket, it could quite easily break your neck, so it could kill you or do you some other injury. She came across this particular fabric when she was in the Pacific and realised that it was very strong, it floated, and that it could be a good use for the lifejacket. So she invented that. That is a great tie to Jersey. You can be sure if it was a Jersey man who had invented the lifejacket we would all know about it. But we do not of course. But we do now. So it is all about learning these great stories. It is about telling the stories of people who, up until this point, might not have had their stories told for political reasons. I thought the intervention from Deputy Labey was also helpful when she talked about the story of the Ghanaian, I think she said William Smith. I must admit I did not know that story. It is because often, if the story does not fit within the narrative that the narrative tellers want to tell, then it gets airbrushed. I do have to deal with this idea that you cannot rewrite history because of course

you can rewrite history. If you could not rewrite history we would not have historians and you have to constantly look at your history and how you interpret it based on new information that comes to light. But also in terms of the new values. So, in the past, people who did some terribly unspeakable things might never have had that story told simply because it was not considered an issue. This idea again is that everything has to happen at the same time otherwise it is not valid. The arguments are saying: “Why did people not complain in 2014 when the statue of George Carteret was erected?” The truth of course is that people did complain but they were not listened to because they were considered minority voices. A constituent of mine, Tony Bellows, Tony the Prof he goes under, he is a well-known blogger and therefore in the public domain.

[11.30]

He commented on it pretty much straight away when it went up saying: “Was George Carteret a complex figure? Yes, he was. Was he heroic? There were some things that he did, which can be seen as heroic. There were other things he did, which were terrible, such as set up a company to import and export slaves, and he made a lot of money off it. Should he be somebody that we consider as a hero for our youngsters?” Because of course this is how it was sold at the time; it was put up there saying: “This is somebody who young people should aspire to.” His conclusion was: “No, we should not, he is not a hero, he is certainly not a modern-day hero that we should be commemorating.” That has never been addressed, the story. So all these people who say: “You cannot rewrite history, we should not celebrate our past, we should look to the good and the bad in the past and look at it objectively.” Where are those voices when it comes to the erection of a slave-trade memorial? Remember, this is not just remembering the good and the bad, this is glorifying someone. Because we put statues up to people who we revere and we do that to show the community that they are an important person and that they are a hero. So when the Deputy of Grouville says we should be looking to move forward and not causing divisions, well putting up a statue in 2014 to a former slave trader is inherently divisive. It is divisive, as we have seen, because this is going to rumble on and on. Why is it that we cannot have an honest conversation about this statue? I am not saying tear it down. There are voices who no doubt would want to tear it down. There are voices who want it to remain in place. There are other people in the middle, in the compromise position, who think that it should be put in a museum in context. You could have it in Elizabeth Castle, you could have it at the Maritime Museum or the Central Museum, to tell the story of the cod trade, about colonialism and the slave trade all together in context without any glorification and without any unnecessary embellishment. But that has not happened. Why has it taken so long to get any truthful answers? Why did it take so long to find who funded it? Why is it taking so long to get answers about why planning gains were used and why some money was moved from the airport? Why are the airport paying for a statue that a Constable of St. Peter at the time wanted to have in St. Peter? What is all that about? Why is it taking so long to find out who owns the land? I have had meetings with Randalls. I have meetings, which were attended by Black Lives Matter. I have had meetings with Jersey Heritage to try to find out what we could do about this. We were told initially that the Randalls owned it, we were told that the Parish owned it. The former Constable of St. Peter thinks that he owns the statue and I will not divulge any confidences that the current Constable of St. Peter has told me about some interesting little intrigues that have already happened in the Parish. But clearly we know that this is a States statue, which was funded by and large in 2014 with States money. We also know that the other so-called sponsors are dropping like flies. Nobody wants anything to do with this statue. Waitrose, who are listed as one of the sponsors on the back of the leaflet that was produced for that ceremony, strangely contacted me and said: “Can you help us, we are trying to find out whether we sponsored this?” I was like: “With due respect, how should I know whether you have sponsored this statue? You should know that yourselves.” The Youth Service, who were incorrectly listed on the back of this leaflet as having sponsored the statue, it turns out to be a complete fabrication. What is all that about? How did that happen? In the meantime, complete silence, radio silence on this. How did these things happen? Senator Mézec was quite right to talk about George Carteret and let us listen to a relatively conservative historian in *A Brief History of Jersey* who talks

about the Carteret dynasty. He says: “Instinctively, the majority of Jersey men sympathised with the English puritans and the Guernsey parliamentarians, as much for fear that Catholicism might be reintroduced as to seek revenge on the 15 years of autocratic rule imposed by Sir Philip de Carteret. The man who made neutrality impossible was Sir Philip’s nephew, Sir George Carteret, a captain in the Royal Navy. He was given the task by the royalists of supplying munitions from France. Sir George set sail and attacked merchantmen on their way up the channel to parliamentary London selling their vessels in St. Malo.” It goes on, you do not need to hear the rest of that. The interesting thing, the preface to that paragraph is setting out the scene, how Jersey at the time would have wanted to remain neutral. It would have wanted to remain neutral between France and the U.K. in particular because there would have been an implication for taking sides with the parliamentarians or the royalists. Because of course there was a wider war going on at the time, the Civil War in the United States. Then, of course this was much later, but it led to the French Revolution. So it was quite reasonable for Jersey to want to stay neutral. But the personal gain that George Carteret wanted to get out of this, the fact that he could line his own pockets and subsequently be given land in the Americas, which was not, as we have said before, morally the land of the king to give; it suited him. These stories need to be told that often in history the events that happen are not for the greater good. Because, elsewhere in Balleine, Carteret is referred to as a dictator, and that is just factual rather than necessarily Balleine being critical of de Carteret. These kind of stories need to be told but they are not going to be told if they are constantly told by the same people who have the same values. So when you get a royalist member of the establishment putting a statue up in St. Peter to another royalist member of the establishment from some 250 years ago, or more, in his Parish, it just perpetuates the same narrative. Of course you are going to get those voices in society, the likes of Black Lives Matter, but others who say: “Hang on a minute, can someone tell me why we are putting this up and why we are using government money?” Because the government money for that statue that was put up could have been used to pay for this report we are going to do into equality and human rights. In fact maybe that money should be reimbursed. I am not sure how we would do that but these are the significant issues that we are facing today. So let us get back to the proposition. I do not know how Members are feeling but the message that is going to go out from this Assembly is that we do not care about human rights. We do not even care about having a day to remember the abolition of slavery. There are racists in society and it is perceivable that there are also racists in our States Assembly. The reason that it is perceivable is because the States Assembly is a reflection of the wider community and it is quite right that there should be those views represented in the States Assembly. I certainly am not one who espouses those views. I will do everything I can, whenever I can, to make sure that Jersey aspires and is a fair society that values equality and diversity. I would say to Members who are hesitating, particularly Deputy Morel - I get on with Deputy Morel - it is easy to find reasons to vote against something if you want to. But I would say look at the bigger picture here, and to other Members, and say that what will come out of this audit will be recommendations. The recommendations are not going to be: “You should change the name of this street because it is not politically correct” or: “You should do this because it is going to keep a minority of people happy.” What it will say is let us look at these things in the round in the future so that when we do name things maybe we should be naming them after the likes of Louisa Gould. Maybe we should be naming them after the likes of Orpheus Beaumont. Maybe we should be naming things after William Smith. Maybe we should be putting stuff in our curriculum that was not there before. Maybe the parts of the curriculum that are non-statutory, as we were circulated yesterday, should become statutory so that we know exactly what children will have learned by the time they leave school so that we can have well-rounded individuals who know how to engage, not just with their past, but with their present and their future. I do make the proposition. I do ask Members, whatever has happened previously in this debate, to certainly support parts (b) and (c). I will leave Members to decide what they think about part (a). Members did decide that they preferred the name Benin Square to Trenton Lenape Square for some strange reason. That is presumably why they voted against the amendment. So I will leave it up to Members to decide. But of course it will be a great opportunity for us to develop our links with Benin. Certainly, from my point of view, I will be happy

to lead on that in conjunction with Constable of St. Helier if he is up for that as well. But certainly today we can come out with something positive. Let us have a vote for a fairer society, for more openness, for diversity and equality. Let us give the public what we can do as States Members, which is our vote today rather than just our fine words.

**The Bailiff:**

Thank you very much, Deputy. I assume from what you have said that you would like the various parts of the proposition to be taken separately and I will proceed accordingly.

**Deputy M. Tadier:**

Can I ask for (b) and (c) to be taken together please?

**The Bailiff:**

Yes, that is a matter for you. We can take (a) separately and then (b) and (c) together.

**Deputy M. Tadier:**

Sorry, I should not be thinking on my feet. Let us leave it (a), (b) and (c), and give Members the most choice, so I take that back, thank you.

**The Bailiff:**

Then the vote is firstly on paragraph (a) of the proposition and I ask the Greffier to put the link in. The link is in. I open the voting and ask Members to vote in the usual way. I will close the voting in 5 seconds. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Part (a) has been defeated.

<b>POUR: 3</b>		<b>CONTRE: 42</b>		<b>ABSTAIN: 0</b>
Senator S.Y. Mézec		Senator I.J. Gorst		
Deputy G.P. Southern (H)		Senator L.J. Farnham		
Deputy M. Tadier (B)		Senator J.A.N. Le Fondré		
		Senator T.A. Vallois		
		Senator K.L. Moore		
		Senator S.W. Pallett		
		Connétable of St. Helier		
		Connétable of St. Clement		
		Connétable of St. Brelade		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		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 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)		
	Deputy I. Gardiner (H)		

**The Greffier of the States:**

Those Members who voted *pour* were: Senator Mézec and Deputy Tadier. Can I just say that Deputy Ash must have been in the process of voting when it closed so he appears but with a blank, so perhaps he could give his vote. *Contre*.

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

Was my vote recorded?

**The Bailiff:**

Yes, Deputy Southern, your vote was recorded in the chat as a *pour*. We now come to part (b) of the proposition and I ask the Greffier to place a link in the chat. I ask the Greffier to open the voting and Members to vote in the usual way. I will close the voting in 5 seconds. Members have had the opportunity of voting. I ask the Greffier to close the voting.

[11:45]

Part (b) has been defeated.

<b>POUR: 9</b>	<b>CONTRE: 36</b>	<b>ABSTAIN: 0</b>
Senator K.L. Moore	Senator I.J. Gorst	
Senator S.Y. Mézec	Senator L.J. Farnham	
Connétable of St. Martin	Senator J.A.N. Le Fondré	
Deputy G.P. Southern (H)	Senator T.A. Vallois	
Deputy M. Tadier (B)	Senator S.W. Pallett	
Deputy L.M.C. Doublet (S)	Connétable of St. Helier	
Deputy of St. John	Connétable of St. Clement	
Deputy R.J. Ward (H)	Connétable of St. Brelade	
Deputy C.S. Alves (H)	Connétable of Grouville	
	Connétable of St. John	
	Connétable of Trinity	
	Connétable of St. Peter	
	Connétable of St. Mary	
	Connétable of St. Ouen	
	Deputy J.A. Martin (H)	
	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 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 K.G. Pamplin (S)		
	Deputy I. Gardiner (H)		

**The Bailiff:**

We now come on to paragraph (c) and I ask the Greffier, as soon as he is able, to post a link in the chat. The link has been posted. I ask the Greffier to open the voting and Members to vote in the normal way. I will close the voting in 5 seconds. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Paragraph (c) has been defeated.

<b><i>POUR: 10</i></b>	<b><i>CONTRE: 35</i></b>	<b><i>ABSTAIN: 0</i></b>
Senator K.L. Moore	Senator I.J. Gorst	
Senator S.Y. Mézec	Senator L.J. Farnham	
Connétable of St. Ouen	Senator J.A.N. Le Fondré	
Deputy G.P. Southern (H)	Senator T.A. Vallois	
Deputy M. Tadier (B)	Senator S.W. Pallett	
Deputy M.R. Higgins (H)	Connétable of St. Helier	
Deputy L.M.C. Doublet (S)	Connétable of St. Clement	
Deputy of St. John	Connétable of St. Brelade	
Deputy R.J. Ward (H)	Connétable of Grouville	
Deputy C.S. Alves (H)	Connétable of St. John	
	Connétable of Trinity	
	Connétable of St. Peter	
	Connétable of St. Mary	
	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 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 K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

**2. Write off income tax liability for prior year if moved to current year basis (e-petition) - (Consideration In-Committee)**

**The Bailiff:**

We now come to the in-committee debate on the e-petition, ‘Write off income tax liability for prior year if moved to current year basis’. This is an in-committee debate, it is for the Presiding Officer to give an assessment of the time that will be allocated to that debate. My view provisionally is that 2 hours’ allocation would be appropriate. Of course the Assembly does not need to take all of that time. If it is clear that others who have not spoken wish to speak when we get close to that deadline then of course I can exercise a discretion and extend time should that appear to me to be appropriate. An issue arises if we go for 2 hours now, it is approximately 11.50 a.m. That will take us to 1.50 p.m. if we work straight through. Or, if we adjourn at the usual time, we will obviously continue with the remainder of the time afterwards. I wonder if Members would like to give some brief consideration now as to whether we work through the lunch hour to conclude the debate or adjourn in the normal way when the time comes and resume afterwards. Chair of P.P.C. (Privileges and Procedures Committee), I wonder are you able to give any assistance with that?

**Deputy R. Labey:**

It is a good idea but we are in Members’ hands if they agree. Maybe we should plant the seed, as you have done, and consider it at 12.45 p.m.

**The Bailiff:**

I am content to deal with it that way. Perhaps Members would consider it as we go and when we reach approximately 12.45 p.m. I will ask Members again to decide if they wish to continue for the time remaining or not. If we work straight through that will take us to 1.50 p.m. I can remind people that, as this is an in-committee debate, Members are able to speak more than once if they wish to do so, but there is of course no obligation on Members to speak more than once. That is entirely a matter for Members. It seems to me that the correct way to start this debate would be for the Minister most related to the issue to speak first and I would therefore call on the Minister for Treasury and Resources to introduce the in-committee debate.

**2.1 Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):**

At this time two-thirds of Jersey taxpayers are paying off their 2019 tax bill and one-third are paying off their 2020 tax bill. My proposition P.118/2020 will bring all taxpayers on to the current year basis for paying taxes. For prior year basis taxpayers it will suspend their 2019 tax bill and, following focus group and Assembly feedback, will be considering the extension and flexibility of the payment options. Immediately, this would relieve self-employed people and pensioners of the need to make a 2019 payment on account. In 2020 many prior year basis employed people would receive lower effective rates under the income tax instalment scheme than they otherwise might. We estimate that this could leave about £18 million in the hands of P.Y.B. (prior-year basis) taxpayers for the 4 years. My proposition to change the law to include this will be voted in November. If it is supported by the Assembly, then a summary of the regulations will be produced before our debate in November, setting out payment terms for the suspended 2019 prior year basis tax liability, which would have been created. Those regulations will continue to be drafted over the coming weeks, taking account of feedback from the focus groups, which are currently underway, and from this Assembly. I expect we will debate these regulations early in 2021. The petition before us today ostensibly calls on this Assembly to support the move to the current year basis of paying taxes but asks us to write off the

2019 tax bill for prior year taxpayers. I understand that the petitioner told the Corporate Services Scrutiny Panel that he did not support my proposition at all, including ...

**The Bailiff:**

I am afraid, Minister, that your sound has become rather muffled. Whether something has changed, you have moved further away or there is some other reason. But I should indicate that to you. I wonder if you could move closer to the microphone or something of that nature.

**Deputy S.J. Pinel:**

I have not moved at all. Is that any clearer?

**The Bailiff:**

It is still fairly muffled. I have to say it is unclear why. I think we can still hear you but undoubtedly if Members have real difficulties they will indicate in the chat.

**Deputy S.J. Pinel:**

I apologise. I will try to shout louder.

**The Bailiff:**

That is helpful, thank you.

**Deputy S.J. Pinel:**

I understand that the petitioner told the Corporate Services Scrutiny Panel that he did not support my proposition at all, including the principle of moving all taxpayers to the current year basis. It is not clear whether the 5,000 or so people who signed the petition share that view. I published my response to this petition on 26th August, clearly ruling out the writing off of taxes. It would simply not be fair to the cohort of current year basis taxpayers, which we have allowed to develop since 2006, to write off one year's tax for P.Y.B. taxpayers. Ultimately, both C.Y.B. (current year basis) and P.Y.B. taxpayers do pay the same amount of tax on their whole-of-life income. There is no case for prior-year basis taxpayers to be allowed to pay one year less. Nobody's tax bill is being doubled, as the petitioner suggested. Besides that fundamental issue of what is essentially intergenerational fairness, it would be irresponsible in normal times to waive a year's tax for two-thirds of our taxpayer community. But, as we all know, these are not normal times and we have, on behalf of the people, borrowed considerable sums to support Islanders through the pandemic and the lockdown. Ultimately, the people do have to pay for that and asking prior year basis taxpayers to move fully to the C.Y.B. system is one obvious way to help us manage the debt we face without raising taxes. We are asking P.Y.B. taxpayers to pay more of the taxes they do owe sooner than they would if we change nothing. We will take steps to make that as manageable as possible for Islanders and there will be safeguards for those who simply cannot afford it. The estimated £330 million for 2019 prior year basis tax bill will, as it is paid over the coming years, considerably underwrite the borrowing, which the Government will incur on behalf of the people of Jersey to support the Island through this pandemic. The petitioner asks us why we do not follow Guernsey's example where a write-off seemed to occur as an accounting adjustment with no real loss of annual income for Government. I understand that Guernsey officials who were around at that time might dispute that Guernsey wrote off a year's tax. To many it does look like they did but they have not allowed their taxpayer base to divide in the way that we have over the past 14 years, which makes an accounting adjustment of that sort impossible. It is worth saying that some of the prior year basis taxpayers who have paid down their P.Y.B. taxes in preparation for retirement are most vociferous in objecting to this petition. The petitioner cites the impact on a prior year basis taxpayer with a £21,000 tax bill for 2019. The tax bill of a single person who has earned £105,000. He points out that we would be asking them to pay an extra £350 per month over 5 years or £175 per month over 10 years. That is essentially correct and I expect most single people with a £105,000 income can probably afford to do that. It will be difficult today to limit our debate to what is essentially a performance option, more correctly a non-

payment option, when we have not yet considered P.118/2020. The Council of Ministers proposed in the last Government Plan some considered options for bringing all taxpayers on to a current year payment basis. We envisaged aligning such a change with the introduction of independent taxation in 2022. Independent taxation will be easier to administer on a current year basis but the 2 are not co-dependent. The problems that arise from the coexistence of P.Y.B. and C.Y.B. are well understood by aficionados of tax but less well by the general public. It is clear, even from the current public discussion, that we have at least successfully raised awareness that two-thirds of Islanders have a latent tax liability, which for many will be realised when they retire and they need to pay tax on their last year's full employment income from a lower pension income. Our tax system is, in a number of places, archaic. This is certainly one of those places. If a current year basis woman marries a prior year basis man, the couple become a prior-year basis taxpayer. A C.Y.B. employee will become a P.Y.B. pensioner because, as it stands, all pensioners pay taxes on the prior year basis. A P.Y.B. self-employed person with a C.Y.B. spouse will find that the I.T.I.S. (income tax instalment scheme) may not be satisfactory.

[12:00]

A P.Y.B. employee who leaves Jersey to work in the U.K. will immediately pay as they earn in the U.K. but still be paying a P.Y.B. debt in Jersey. A P.Y.B. taxpayer who has faced a reduced income in 2020 is still paying taxes on higher income earned in 2019. Worse still, they have not reported that drop in 2020 income and accepted a higher I.T.I.S. effective rate, then they will be underpaying their 2019 tax bill. This needs to change. My future proposition, if accepted, will ensure that everyone in Jersey is paying their taxes on the same basis, paying as they earn. In conclusion, I hope this in-committee debate will provide a useful grounding that will follow on my proposition P.118 in November and, if it is accepted, subsequent regulations on payment options. I strongly believe in the move from prior year basis to current year basis for all taxpayers. I absolutely cannot support the complete unfairness of writing off a whole year's tax for prior year basis taxpayers.

### **2.1.1 Senator K.L. Moore:**

I will also endeavour to stick to the theme of this petition, which is largely centred around the word "if". As the Minister suggested, Corporate Services have conducted a public hearing with the proposer of this petition, who made it very clear in that hearing that he does not support this potential tax holiday. But he would support it, and so would the 5,664 people who signed the petition, if the Minister pushes ahead with this move to current year tax at this time. The Corporate Services Panel are of course conducting a process to look at the Minister's proposition at the moment. We are working quickly to ensure that we provide Members with a clear report that looks at the whole proposition prior to the debate so that Members will have that in their hands and are able to use our findings at that point. But I cannot speak entirely about our findings as yet as that report is still underway. If I could just briefly stay with the subject of the petition, essentially the proposer of the petition has taken issue with the manner with which the Minister and her team have brought forward this move to the current year tax base. As the Minister set out, it was mentioned in last year's Government Plan. However, the Government did not do anything to progress that until we suddenly had a hastily put together consultation with the public in August of this year. It was hasty, it was against the consultation guidelines that the Government itself has drawn up to conduct a consultation over the summer period, and also to conduct a consultation period that is very short. Normally I think it is at least 8 weeks that a consultation is ordinarily held, if not 12 weeks, so that people have an opportunity to engage with it and to properly understand the facts. The findings of that consultation have now been shared with Corporate Services and show that the population is largely split on the issues around that proposition. Going back to the points that the proposer of the petition made to Corporate Services, the hastiness of the actions of the department and the speed with which they are putting this through is largely at the root of what pushed the proposer to bring the proposition in the first place. They feel that, while it may offer some assistance financially to those members of the public who have found financial difficulties due to COVID, that obviously is a percentage of the

population. We have seen about a third of people have suffered financially due to COVID and those people would, under the existing Income Tax Law, have the ability to go to the Income Tax Department and seek a way forward and work with the department to resolve their difficulties in order to pay some form of taxation dependent on their earnings this year. The main point is that, if the move takes place, they can get kicked down the road to a later date. We are hearing now that it is may be 2025 that taxpayers will have to start repaying their 2019 income, which of course then takes money out of the system at that point. So the Minister may have developed a neat trick to deal with the COVID debt at this point but it is something that people will have to pay for further down the road and it will have an impact on the economy at that time and, hopefully, it will be a time when the economy itself will be rebuilding. I think, at this point, that is really all I have to say so I will let the next speaker make their points and perhaps revisit at a later point.

### **2.1.2 Connétable R.A. Buchanan of St. Ouen:**

I have a few points I want to make about this. The first point I want to make is I do not wish to impugn the motives of the person who put forward the petition, and Senator Moore has outlined the rationale behind that. I think we need to think carefully about the number of signatures this petition has and the motivation perhaps behind a large number of those people who would have signed this petition. It is an old adage in life that if you offer people free money, then do not be surprised if they take it. I can understand and have some sympathy with people who would sign this petition because, not least, it would give them a boost in cash if it did go through. The Jersey Income Tax Law is pretty clear. All of us who earn income or who have pensions or unearned income are required by law to pay 20 pence in the pound and it does not matter whether you pay that on a current year basis or a prior year basis. You are still due to pay it. In my view, if we wrote off this year's 2019 tax, it will be fundamentally unfair on those people who have already cleared their prior year liability. I would have to ask, if we did agree to do that, how would we recompense those people in, say, the last 5 years who have taken the personal steps to clear their liability, which I think all taxpayers acknowledge that, whether they pay it this year or last year, they definitely owe it? I go back to the point about 20 pence in the pound. I can understand why people who have cleared their tax liability would become very annoyed and irritated with this because, simply, they would feel that those 2019 prior year basis taxpayers who had their liability cleared have gained some unfair advantage in that respect. I think those people who paid their 2018, 2017 and 2016 liability would feel pretty aggrieved and I have a great deal of sympathy with that point of view. I think my final point on this is about cost. We know that, from the figures that Treasury produced, it is going to cost about £330 million to write-off this liability and that is liability that is represented by about 31,000 taxpayers. So my question is how do the other 76,000 taxpayers, assuming that the Island has a population of just over 100,000, feel because they have paid 20 pence in the pound on their tax liability? They have paid their tax or they are paying their tax and, suddenly, a whole cohort of taxpayers for the year is free and there is no such thing as free money in life. That £330 million of liability will have to be found somewhere and some of that burden will undoubtedly fall on the 76,000 people who are on a current year basis and who are paying tax in the year that they earn that income. Indeed, it will fall on those people who have cleared their prior year basis tax payment and so, effectively, you will be asking some people to pay twice. They will be paying their own tax liability and they will also have to fund the Government plugging the £330 million gap in some way, and whether that falls immediately or within the next 10 years is a moot point. Nevertheless, the fundamental principle is we will be asking some taxpayers to pay their tax twice or contribute twice towards the tax bill of other people which, to me, does not seem fair either. My own personal view is I can understand why the petition has been successful and why it has garnered so many signatures but I certainly cannot support it. It seems to me to be fundamentally unfair and also comes at a time when the Government - as we have seen from the Government Plan which I am sure most people have studied now - is already struggling financially. If we create another £330 million worth of liability, all it is going to do is make the problem worse and make the bill at the end of this COVID crisis even bigger and, at the same time, disadvantage some taxpayers who are effectively being asked to pay twice while other taxpayers will

simply escape a year's tax liability. That, to me, seems to be fundamentally unfair. I certainly, in conclusion, do not feel I can support this in any way, shape or form.

### **2.1.3 Deputy G.J. Truscott of St. Brelade:**

Death and taxes are 2 things we can be assured of. One of the old sayings. I want to thank the Minister for Treasury and Resources for giving Members a briefing yesterday and the officers. I found it most helpful and poignant, particularly the figures that were produced and, at some point, this unification had to happen. We are one of the few jurisdictions left in the world that runs this double type of tax gathering regime and it makes absolute sense to unify it. There was never going to be a particularly good time to do it and one could argue that maybe the COVID crisis is not the time but I think the rationale behind what is being proposed makes absolute sense to me. I, like many in the Island, will be approaching my retirement and, at that point, I will have a tax liability that will have to be met. What is being proposed makes absolute sense inasmuch as we will be given longer under present circumstances to pay off that liability and that has to be a positive. Whichever way I look at it, I would have had to pay that money so this makes common sense. It was never, in my mind, an option to write this off. I do not think, particularly with COVID, that was ever going to be a realistic idea. I can understand why people would. It is like voting for 2 Christmases, it is like voting for a 50 per cent pay rise and who would not vote for that? So I can understand the rationale behind why people would want to do it. How Guernsey has managed it, I do not know. We are dealing with a significant amount of money, £330 million, and I am so conscious that - and Senator Gorst certainly hinted on it this morning - this pandemic and these unprecedented times that we find ourselves in has caused huge financial strain on the public purse. Let us face it. It is not going to be £800 million. By the time the hospital is built and by the time we pay back the loan, it is going to be well over £1 billion and that will have to be picked up by my children and possibly their children as well going forward. So I am very conscious of the legacy we, as an Assembly, will leave behind. As I say, we have houses to build, we have education to invest in and we have health that desperately needs money going forward. We also have an ageing population and the youngsters are going to have to support pensioners, *et cetera*, going forward so, as I have said earlier, the strains on the public purse are quite immense.

[12:15]

Personally, I am so conscious of the fact that it is the future generations that will have to pay for it. I think, fundamentally, it would be wrong to say: "Well, let us just write-off £330 million and just add to that future debt." I will leave it there at the moment. I possibly will return later on but I am just curious to see what other Members think. Thank you.

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

I just have some points for Treasury and the Assembly to consider. The well-being of citizens is a fundamental role of government and yet it seems the economic and social impact of taking £330 million out of the economy has not been considered or analysed. The Tax Department cannot currently deal with the compliance and reconciliation of one year's tax payments so how are they going to deal with 2 years? Are Treasury confident that they can deal with this given the current state of tax collection and how do they propose to collect from the self-employed and pensioners, *et cetera*? I made the point at a hearing last week that we are in the pandemic and, therefore, is it really the time to bring this forward bearing in mind people are being furloughed and losing jobs, *et cetera*? What about middle Jersey who are on P.Y.B. and have children in schools and universities and are already strapped for cash? One last point. It does not seem fair or transparent to have conducted a consultation in 4 weeks in August during the pandemic.

### **2.1.5 Deputy J.H. Young of St. Brelade:**

Like the petitioners, I would very much like a tax-free year and I too wonder how on earth Guernsey managed to do this. Well, we know the costs now of £300 million. Now the change to current year has been inevitable for a long time. It is no longer sustainable that we have these 2 classes of tax

basis and we are all desperate to have them move to independent taxation, which we will depend on. Of course, it is true that when one approaches retirement, like myself, you have to address how one clears that liability. In the old rules, the liability was really the difference between a high earnings level in full economic engagement and into retirement, a lower income level and one had to span the difference. Of course, it is true now going forward that a retiring taxpayer will need to clear that liability of the past and, at the same time, maintain their tax on their reduced retirement income. So that does need to be thought about, and I have asked the Minister and the Treasurer to look at the rules that come forward and the regulations setting out the detail or the options available for retired people to plan for clearing this liability, and that those regulations do include the opportunity to look at people's retirement pots. Those retirement pots at the moment where there are a lot of restrictions on what can be drawn are very tightly drawn probably because of the English rules, which are even stricter. So I have asked for that to be done and it is because I think there are advantages potentially for both individual taxpayers to plan and use their retirement pots as well and clearing a liability, which is a hangover from this which is definitely an important thing for people to do. Also, I do think that if a good arrangement can be found, one which is favourable to the taxpayer, I think it would also be very favourable for the States in their cash flow in recovering this sum in future years more quickly. So that is something that I have given notice that I shall be having a look at, on the assumption that the law changes go through and we are due to debate on very shortly, that the regulations that follow do provide for that. It is something I shall be looking quite closely at but there is no question. The petitioners say: "Write it off." We just cannot do that and so there we are. I think I just wanted to flag up for Members the perspective of somebody approaching retirement.

#### **2.1.6 Senator L.J. Farnham:**

I just wanted to respond at this stage briefly to a comment made by the Connétable of St. Martin in relation to this taking money out of the economy and of course that was a big matter of interest, especially for the economy teams, because we want as much money to go into the economy as possible in the short term. The timing of this, the freeze until 2025 and then the 10-year repayment options after that, I think will potentially put more money into the economy in the short term because the 2019 liability is absolutely frozen. So instead of paying that 2019 liability, which is going to be more for many of the taxpayers - not all but for many of them - will free up some consumer spend perhaps for 2021 and 2022 as we move potentially through recession. Of course the advice on the 2025 debate is when taxpayers will start to repay in earnest the 2019 liability. It is forecast that the economy will be in full recovery by then so I just wanted to try to deal with the perception that this could be taking money out of the economy. I am not sure the Comptroller or the Treasurer would like me saying this but I know that some people will want to settle their 2019 liability quickly. If they have the money, I think many Islanders will choose to do that, whereas perhaps I might like them to spend that money in the economy and take advantage of the generous terms that are being offered for repayment.

#### **2.1.7 Connétable C.H. Taylor of St. John:**

I have 3 points to make. The second point was very ably put by the Minister for Economic Development, Tourism, Sport and Culture Senator Farnham but the first point I would like to make is anyone who has a 2019 tax liability has already earned the money and the money is already in the bank, so to speak. Any person with due care should put aside a sum knowing that that is the tax they will have to pay. The third point I would like to make is that the payment is being delayed until 2025 and this is therefore giving ample time for everyone to then start a repayment plan over a period of time, and I do not believe it will be creating hardships. In fact, I think it is a well-thought-out proposition by the Minister and I sincerely hope that Members would support this because it is well-thought-out, it is the right thing to do and now is the right time to do it. Thank you.

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

There are a number of interesting things that come from this proposition but I think there is also some detail that we need and there is some reality that needs to be understood. First of all, in terms of

considering the payment options, I would urge the Minister, before this comes to the Assembly, that the repayment options are very clear and very concise and are decided upon so that we are not trying to vote on something when we do not know what the repayment options would be for people. I think the move to a current year tax is a good idea and I think for all of us as individuals, we have to look at what is best for our circumstances and Island-wide. I think the key to the success or not of this is to get across the information that people need and what will happen to them in their pay packets over time if they were to do this and if they were not to be on current year tax in this way. I would say there are a few things that I would very wary of. I would not support a reduction for early repayment because this is just beneficial to those who have more income and that is an inequality that we cannot sustain and I do not think we should support. I also think that there is an issue with regard to ring fencing the money for the repayment of the COVID-19 costs because what that has done is create an impression, real or not, and that is something to be looked at, that those who are on previous year will be the ones responsible for paying for the COVID response. That I think is something that is divisive if it is not handled correctly. So the information that goes to people needs to be considered very carefully. As to whether or not this is the right thing to do in total, if it enables people to move to current year which gives them more clarity in what they are doing, then it probably is a positive thing, particularly with decent repayment options. I share the concerns over whether the Tax Office can deal with this change. I also point out the fact that because men are still responsible in many cases for their spouses' tax, which is a very backward step, they will be responsible for this debt over the long term. I think that needs to be addressed if there are to be repayments in 5 or 10-years' time. So there are a few things there that I think need to be looked at and it will be interesting to see what other people's views are in this debate and that is all I will say at the moment. Thank you very much.

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

I am a previous year person so therefore this will affect me. However, what this petition says is that the money should be written off. I, for one, could not possibly agree with that because I think it is not right that anyone should be at an advantage and therefore, like the previous speaker, I also do not think that it would be right to have any discount whatsoever. However, when this does come up for debate, as the previous speaker said, I think it is essential that clear guidance of what is available for each individual is clearly panned out. From my perspective, I am in the twilight of my years, although not quite at the end of them, so therefore it will be a benefit potentially for me for this to happen because I will have a plan. However, for those people who are still in their 30s and 40s, I think due consideration must be given. I will also make a point here because it has been brought to my attention by people within the community that they cannot get appointments at the Tax Office to see people face to face. If we are going to agree to this proposition that is being brought by the Minister for Treasury and Resources to move to current year facilities, we must make sure that all Islanders who have concerns are able to discuss those concerns with somebody in person. So please put that in place and not say that they cannot make an appointment because I do believe that, at this time, there are members of the public who cannot get face-to-face tax appointments.

#### **The Bailiff:**

Thank you very much, Deputy. Just to inform Members, I am proposing to, to the extent if possible, give priority to those Members who have not yet spoken before calling on people to make second speeches. Obviously, that may not always be possible but that will be my general aim.

#### **2.1.10 Deputy D. Johnson of St. Mary:**

I support the principle but my real concern or only concern is what I might say is the generosity as to the terms and period of repayment of the liability. My principal concern is that given the exemption is for a long period, many of the taxpayers owing that liability will leave the Island. I would like the Minister for Treasury and Resources to address the specific question of enforcement in respect of those people who are no longer resident in the Island which I consider might be a difficulty.

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

Like other Members have said about the petition: “Would you like not to pay your tax bill?” who is not going to sign that? I should state for the record that I am a current year taxpayer, just so Members know. It might not come as a surprise. I have been getting some feedback from constituents and it is a question I want to put directly to the Minister for Treasury and Resources. For example, I have some people in their 60s of pensionable age getting their pensions who are still working because they have a mortgage to pay who might already be paying the Tax Department more than 20 per cent because they have other arrears that they have to pay.

[12:30]

I think a lot of us can all agree in principle to this but of course the key is implementation and how is that going to be felt by people. It is causing a lot of worry and stress out there. I take the point by the Constable of St. John that, in an ideal world, yes, everyone would have banked their tax bill ready to be paid but we know Jersey is a very high-cost jurisdiction. If you are at the lower end of the spectrum, sometimes you do not have that luxury to save. People are worried enough about how they are going to settle their one-year tax bill but now, with this, they are petrified about how they are going to settle 2 years of tax bills because it has not been collected as it has gone. I would like to know as I am worried about this. I would agree with the point of Deputy Ward that to give an advantage to richer people who can pay back their tax bill in advance is deeply unfair. Now I can see from the Treasury point of view that of course they would want to do anything to try and get the money in as quickly as possible. I absolutely get that but for those people who just do not have that to begin with, it is not an option. It is not a choice and that, for me, is the issue. It is just not a choice. So I would like to know and understand more because I do have deep concerns for people who are later on in their lives. People plan for their retirement. They plan what they are going to do and the correspondence I have been getting is that this is going to upset a lot of people who have planned for their retirement. So I would specifically like the Minister for Treasury and Resources to comment on pensioners who already pay more than 20 per cent to the Tax Department. It is all good and well saying: “Well, they can chuck up a couple of per cent to the Tax Office and pay it off by the time they reach there” but there will be some people, and I appreciate it will be a small number of people, who are already above that and to try and pay any more will put them in a crisis. I do not think that that voice has been heard in this Assembly and I just wanted to express it.

#### **2.1.12 The Connétable of St. Ouen:**

Thank you for letting me speak again. I just want to pick up on Deputy Ward’s point and I think this is an important point. The whole debate about C.Y.B. and P.Y.B. illustrates the difficulty that we are going to have to move to separate taxation and independent taxation for women. I hope, and this is a plea to the Minister for Treasury and Resources - and with the greatest respect, she can hit me later - that following fast on the heels of this move to C.Y.B., we will see legislation brought forward to introduce independent taxation and bring Jersey into the 21st century as a tax jurisdiction for individual taxpayers. I appreciate that crystallising the 2019 liability, if that is approved, is going to provide a few issues but I am sure that there are solutions available. But I think once we have started down the road of modernising our tax system we should work very quickly to remove what is one of the biggest inequalities in Jersey taxation, and something that goes back to the middle ages, where one partner - namely the man - is entirely responsible for both liabilities and there is no discretion allowed such that both partners can have their own tax bills. So I would urge the Minister for Treasury and Resources - I know that the Tax Department has got enough on its plate as it is - but as quickly as possible to move to bringing legislation to introduce independent taxation as quickly as possible after this.

#### **The Bailiff:**

Does any other Member wish to speak in this debate? If no other Member wishes to speak then I close the debate and allow the Minister for Treasury and Resources the opportunity to sum up.

#### **2.1.13 Deputy S.J. Pinel:**

Thank you to those who have contributed. I did say at the beginning that this is a debate in-committee on the petition, not on the proposition, but as I had hoped a lot of what the contributors have said have given us some insight into what we can answer for the proposition. The chair of C.S.S.P. (Corporate Services Scrutiny Panel) was concerned about the hasty consultation. It has been talked about for years, as I mentioned in my opening remarks, but bringing it forward was an aid to people who have suffered economically and financially over the COVID scenario. So, yes, it was rushed and, yes, it was in August, but that is the only option we had in order to bring forward the proposition in November so that those people - and especially the self-employed - would be able to freeze their payment on accounts at the end of November if that is what they felt was financially advantageous to them. So I appreciate it was a hasty move but not done without consideration at all, and we have had the survey, as the chair will know. I think a couple of Members have said they need clearer direction; that will be happening, as I said in my opening remarks. That will come forward in the next week or so as to what the focus groups bed into and the surveys bed into the direction and options of payments. If it would be frozen people still have the wherewithal to pay their liability if they wish to, but it would be frozen in the regulations until 2025. This is because the F.P.P. (Fiscal Policy Panel) have said that we should be able to balance our books by 2024, so we are saying 2025. That gives people nearly 5 years to sort out a payment plan, then it can be delayed for another 5 years on top of that, and another 5 years on top of that if people need that repayment plan to help them out with their finances. The strain on the public purse, as mentioned by Deputy Truscott and several others, is with us, and all we have suggested ... and this is contrary to what a couple of people are saying that it is unfair on prior year basis taxpayers, it is not at all. Everybody who pays tax, bearing in mind that quite a considerable number of our community do not pay tax, but those taxpayers all are paying for the debt incurred by the pandemic. It is not just prior year basis. All we have said is that when that payment comes through, and it could be over - as I have just described - 14 years, then that payment will be ring-fenced to deal with the debt we have already incurred through the pandemic. But all taxpayers will be contributing to that, it is just that the delayed P.Y.B. will be ring-fenced into that so that it is a clear idea of where taxes will be spent. Otherwise it would go into general coffers and then nobody would know where it was going. I think I have already covered the clear guidance that will definitely come out. The questions that have been raised about will the Tax Office be able to cope with this; we would not have brought it forward if we did not think it could. I quite understand that there has been a bit of disillusionment with the public that they cannot get face-to-face customer consultations. It is balancing itself out. I mean, Revenue Jersey have had a huge move in the last couple of years with moving premises, moving on to a new computer system, and I think I mentioned in my opening remarks that our tax laws are so archaic. So trying to move everything to update is happening at once. But the online filing system has been taken up by about 30,000, so almost half of our taxpayers, which gives a much quicker assessment. So it is moving forward and being dealt with. We have also recruited a lot more people; we had a lot of vacancies so recruited a lot more staff to be able to deal with this. So the assurance is there but I take on board the necessity to have one-to-one confirmation on a confidential nature. I am not sure where else I need to answer but to reassure people that ... I think one Member said the liability of people leaving the Island, that has always been a problem of people who leave without paying their prior year basis, so that will continue to be addressed. The clear forecasting of how we can repay this and how the public can repay this, as I said before, will be out in about 10 days' time as to what are the suggestions. As soon as the focus group that we have set up concludes at the end of this week we will be able to put all that information and the information from the survey back into the proposed regulations. They will only be draft at the moment but everybody will have those before the debate in November. I just wanted to try and not get confused with this petition and what is going to come up for the debate in November. So I thank everybody for their contributions and sort of look forward to the debate in November and hope that everybody will support that proposition. Thank you very much.

The Bailiff:

Thank you very much indeed. So that concludes this in-committee debate and I now call on the Chair of P.P.C. to propose future business.

### **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

#### **3. Deputy R. Labey (Chair, Privileges and Procedures Committee):**

There have already been a few lodgings this week in addition to those printed on the Consolidated Order Paper. They are P.136, down for debate on 1st December, Draft Income Support (Amendment No. 20), lodged by the Minister for Social Security; P.137, Migration Control Policy, lodged by the Chief Minister, also down for 1st December; Composition and Election of the States: Proposed Changes, P.139 lodged by the Privileges and Procedures Committee also down for 1st December sitting. In addition there are 2 amendments, one to P.97, Deployment and use of Energy Conductive Devices, lodged by the Children, Education and Home Affairs Scrutiny Panel. That is for debate on 3rd November, the next sitting. There is an amendment to P.114, Jersey Care Model, and that is from the Health and Social Security Panel. It is a busy sitting on 3rd November and the one after that, but taking the 3rd November sitting now, I think as I advised at the last sitting it would be prudent to sit for questions on the Monday afternoon at 2.30 p.m. Can I make that proposition now, Sir?

#### **The Bailiff:**

Yes, indeed. The Chair of P.P.C. proposes that the Assembly sit on Monday afternoon for the sitting that would otherwise have been 3rd November. Is that seconded? **[Seconded]** Does any Member wish to speak on that particular aspect? If no one wants to speak may I take that as adopted by silence, in effect. Yes, very well, the States will sit on Monday afternoon for questions.

#### **Deputy R. Labey:**

Thank you. Just to advise the Assembly I will be asking in the arrangement of public business at that sitting for a similar arrangement for the sitting of 17th November, which is also very full. But things change so we will do that then, and with that I propose public business.

#### **The Bailiff:**

Very well. Deputy Ward you have a question?

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

It was just to say, it has been very helpful to have the calendar invite for deadlines and questions and they will change if we sit on a Monday afternoon, so can I just ensure that those deadlines are sent out to Members again. It is extremely helpful and I would like to thank the Greffe staff for doing that, thank you.

#### **The Bailiff:**

Deputy, the Greffier has indicated that will not be a difficulty. Does anyone wish to speak on the arrangements for public business proposed by the Chair of P.P.C.? If no one wishes to speak then I will treat those arrangements as accepted and adopted and that concludes the business of the Assembly and we stand adjourned until the next sitting on 2nd November at 2.30 p.m.

### **ADJOURNMENT**

[12:44]