

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 11th FEBRUARY 2021

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[9:32]

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

**PUBLIC BUSINESS - resumption**

**1. Skatepark at Les Quennevais Sports Centre (P.1/2021): amendment (P.1/2021 Amd.) - resumption**

**The Bailiff:**

Before continuing with the debate on the skatepark, Senator Moore, you have indicated a desire to have members of the Corporate Services Scrutiny Panel appointed at this sitting of the Assembly. If there is the time at the end of Public Business then I would suggest that we deal with that then before we move on to the arrangements for future business. Does that give you enough time, Senator?

**Senator K.L. Moore:**

That would be excellent, Sir, thank you.

**The Bailiff:**

We now then continue with the debate on the skatepark. The Connétable of St. Brelade was possibly in mid-flow, but in flow in any event, and he is entitled to continue at this point. Seeing, as I am sure Members have, an email exchange, once the Connétable of St. Brelade has finished I would propose, as a result of that exchange, to call upon Senator Farnham to explain the position, as the Senator has not yet spoken in this part of the debate. But that does mean he will be replacing 3 Members who have already indicated a desire to speak. If those Members specifically Deputy Martin, the Connétable of St. Mary and the Connétable of St. Saviour, feel that they should speak first then I will call them in strict order before I call Senator Farnham. Perhaps they could indicate that in the chat. Hopefully people can hear me. I see one or 2 people might be finding some difficulty.

**Senator S.W. Pallett:**

Sir, it is every time you turn your head that we lose you.

**The Bailiff:**

In which case I will try not to turn my head, thank you for that, that is very helpful. That is the way I propose to proceed at this point. The Connétable of St. Brelade, it is for you now to conclude your speech, thank you.

**1.1 Connétable M.K. Jackson of St. Brelade:**

I will take us back some 13 years I think to the proposition brought to the Assembly by the late former Deputy Ben Fox, who did a lot for the skateboarders of the Island and I think we should thank him for the efforts that he made. Many of the arguments we are hearing today have been heard before and the reality is that skateparks are not neighbour friendly. The only reason the skatepark ended up at the New North Quay was because the harbours administration, dare I say it, missed a trick and the proposition succeeded because there was nowhere else at the time and it was by the forcefulness of Deputy Fox at the time it was put in there. It does seem that it has been popular with the skateboarders probably, I suspect, due to its central location. Moving to the present proposal, my involvement has been extremely limited, and I mention this as there has been innuendo that I have been involved in the alleged U-turn. I can say that Senator Pallett invited me to a meeting in Broad Street, together with Senator Farnham, towards the end of the 2018 and I was asked what I thought about the skatepark as is being proposed at Les Quennevais. I remember saying that while I would support a facility in my Parish it was not ideal for the larger number of users due to its inaccessibility and somewhere more central would be better for the Island. That was followed by an open meeting at Les Quennevais Sports Centre where I perceived the mood of the attending residents to be more

negative than positive. I have had no further involvement apart from attendance at a recent proposition regarding the South Hill Gardens proposal and this, while welcome, has certainly injected confusion into the debate. Members need to understand the accessibility issue at Les Quennevais and it is easy to suggest quite correctly that buses pass regularly along La Route des Quennevais. However users will have to pass along the footpaths or housing estates if on foot, and I have received representation from residents concerned about potential antisocial behaviour, which sadly has gone within the territory of skateboarding, as is evidenced at the New North Quay. It is always unfortunate of course that the actions of a few will spoil it for the majority but one could argue that having such a facility such as is being proposed at Les Quennevais or South Hill will give those errant youngsters something to aspire to and take them off the streets. On the contrary, I have received representations from parents of keen skateboarders who are enthusiastic about getting a facility built at Les Quennevais and the importance to get something up and running as soon as possible. Skateboarding is not my specialised subject but the enthusiasm from those in the west is contagious and certainly tipping me towards supporting the Senator's proposition. In between all this, we have received conflicting views from the skateboarding community, professional presentations from officers, and what I can only describe as a forceful proposal from Senator Pallett who seems to be blaming everyone in his line of fire. While we, as politicians, are used to having flack thrown at us and can defend ourselves here, I cannot condone his accusations against officers and would publicly distance myself from comments the Senator has made. There is as much of a risk in my mind that the proposals for Les Quennevais may not get through Planning. I would anticipate much objection from residents. Likewise, there are planning risks at the South Hill site and concerns from adjacent residents. The Minister for Infrastructure's comments regarding the stability of the rockface at South Hill are, of course, a concern. I suppose my biggest fear is that the facility at Les Quennevais could prove to be a white elephant and used by a specialist few and not the greater number of potential users in the Island.

[9:45]

I can see that before long it would need a proper access road and car park so if an application is to be made, as is suggested, let us have the full picture and travel strategy necessary for a reasonable decision to be made. I would emphasise the point that we need a facility of some sort in St. Brelade, whether it be the main facility or satellite. I would conclude by saying that not only am I pleased to have seen the email exchanges of last night but my preference is that I want the best for the children of my Parish and it is them who I shall be supporting at the end of the day.

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

Can I thank Members for their forbearance? Can I also thank Senator Pallett? We had some very constructive discussions since the adjournment yesterday. Senator Pallett set out his concerns and requirements to me, to which I responded this morning with his reply. That was circulated to Members a short time ago. Just to reiterate, and I just run through the points very briefly. On behalf of our ministerial team and department we would aim to submit both planning applications by the end of this month. The Les Quennevais application is likely to go first because it is far more advanced than South Hill Gardens. We would propose submitting a detailed application for Les Quennevais. It might be sensible to submit, in the first instance, given the additional planning challenges perhaps with South Hill, that we submit an outline application in the first instance, which would allow for any further work or study of South Hill and of course iterations to the design. Both applications would be for a main skatepark facility although they would differ in size and style. Our aim would be to deliver both projects, a really good facility for Les Quennevais and a really good one for St. Helier, preferably at South Hill at this stage, subject of course to additional funding, planning and the size of design. We will have to assess the total cost and, if required, we can repurpose funds from our budget for any additional costs. This would not come from existing sport budgets unless they are unused, and would likely come from underspends in other projects. Our amendment does commit

2 further facilities in the east of the Island. That is very important, as a number of Members have pointed out, and the budget for that would need to be determined. In relation to facilities at St. John and St. Ouen, we would like to engage with the Constables of the Parish with a view to providing some additional investment in those facilities and funding with that; I think bids would have to go into the Government Plan 2021 for that. Prior to the debate, as I mentioned yesterday, Economic Development, Tourism, Sport and Culture Ministers had agreed in principle to seek additional funding to deliver 2 key sites - Les Quennevais and South Hill - together with new facilities, really good facilities, in the east of the Island. We also support reinvesting in the existing facilities in St. Ouen and St. John and we also support and commit to delivering a further satellite facility planned for St. Helier over the next 2 years. Some preliminary estimates suggest that a further £1 million would be required to deliver the full programme as set out above. As I have said, it is our key priority to offer transparency moving forward and to fulfil the aim of Senator Pallett's proposition and our amendment. I am very pleased that Senator Pallett has agreed to work with us. He has been with the project from day one to ensure timely delivery of the projects without further delay. With the Assembly's leave, I will ask the Deputy of Trinity if he would withdraw the amendment, if that is the correct procedure, and then perhaps Senator Pallett would like to speak in line with his reply he sent to me this morning.

**The Bailiff:**

Procedurally it is open to the Deputy of Trinity to ask Members now for their permission to withdraw the amendment. We would then move into the debate on the main proposition. Senator Pallett, being the *rappporteur*, it is only if he was going to withdraw, and seek the leave of the Assembly to withdraw his main proposition, that he could speak next otherwise I would have to open it for other Members to speak. But that is the way the procedure would need to work, I think. But on the assumption that the Deputy of Trinity wishes to ask Members to withdraw, Deputy of Trinity.

**1.1.2 Deputy H.C. Raymond of Trinity:**

Following on from Senator Farnham, may I thank the conversations that went on overnight and, as all of you have seen the responses, as Senator Farnham said. The one thing I would say, which has been a considerable help to me, is that listening to the debate yesterday there are many issues that have come up and I think that if we can pull them all together all of us will end up with something that everybody wants. It is for the benefit of the younger children and the children of the Island, therefore I have great pleasure in withdrawing my proposition and would ask the Assembly to agree with that proposition.

**The Bailiff:**

Members will know, the debate having opened, a proposition or amendment can only be withdrawn with the leave of the Assembly and it is open obviously to Members to speak on the withdrawal. Deputy Tadier, you wanted to speak on that?

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

Obviously something has happened overnight and I think what it shows is that this Government is in complete disarray. We are talking about putting planning applications in for a decision that the States Assembly has not made in some kind of attempt to circumvent what the States Assembly might want, almost as if the decision is too difficult for us to make. There has been talk about putting in 2 planning applications and seeing which one works. Again, in some kind of attempt to abdicate responsibility for making a decision on the part of Government or in the Assembly. Is this what it has come to? This is completely degenerate and dysfunctional government. We had a Sports Minister who in the past had done so much work on this and, of course, you are never going to have a site where everyone agrees because there are different interests affected by that but to say that we have done a deal overnight and we think we found a solution just goes to show the dysfunction that I have spoken

about. It is as if we had done this with the hospital; actually we do not know where the hospital is let us put 10, 12 different planning applications in and see which one works and then go with that one. I do not know if I have got the wrong end of the stick but it seems complete madness and it seems to be done in this kind of gentlemanly manner. I am not criticising Senator Pallett here, by the way, because I can see it from his point of view. When you have worked so hard to try and achieve something and you think you found the best site and then at the last minute someone says: “You know what, why do we not stick this up on a massive hill, which is right out of the centre of town, which is completely windy and which is going to be really dangerous? Why do we not try that one and say because we know it is a dodgy site we are going to have to go through a planning process and it might not get through anyway, so let us wait until it does not get through and then decide that we do not want to put it there.” Absolute madness. I think what we should do is we should not be allowing the Government to withdraw this. We should be saying to them: “No, you have not done the work, we will reject your amendment because it is completely flawed and we will decide on the merit of the substantive proposition.”

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

I would like to just carry on from my colleague there because what we have seen here is a debate borne of frustration from Senator Pallett, and I can completely understand why. A last-minute amendment from the Government, which completely changes the situation but does manage to produce some quite detailed pictures, by the way, and diagrams which is quite an interesting process. We have seen during the debate that the complete lack of co-ordination of Government, the complete lack of a system of governance that is able to make a decision. It is completely wasted States Assembly time. Instead what we have had is an overnight exchange of emails that could have been done way before this debate came up. What we have seen is evidence of infighting, which I suppose we now call outfighting because some people are not in Government anymore, and some of the attitudes that have been expressed. One of the most ironic is that the Government, we are talking about this amendment, because there is not transport and buses out to Les Quennevais when they have repeatedly refused to enable young people to go on the buses either for free or cheaper. It shows the total dysfunction in the decision-making process. I have to say, we had an emergency debate last week to try and fit in over the hospital. We now have this debate, which has been a complete and utter waste of more than half a day. The Government are now saying: “It was useful so we know people’s opinions.” There is a way to do that and that is to consult properly. Before this debate on this amendment we were given full detailed briefing from officers. I remember back when the Chief Minister was publishing the costs of replying to our written questions. Perhaps he needs to publish the cost of this waste of time of the States Assembly. Because this is not a functional Government. This should never have come to this Assembly, this amendment, because it was too late but now to withdraw at the last minute. I agree with Deputy Tadier, it needs to be voted on and rejected rather than doing this backdoor deal, which totally lacks transparency.

**The Bailiff:**

Does any Member wish to speak on the question as to whether the Deputy of Trinity is allowed to withdraw the amendments? If no other Member wishes to speak then I close the debate on that aspect and call upon the Deputy of Trinity to respond, if he wishes to do so.

**The Deputy of Trinity:**

I very much take on board what has been said and fully appreciate the misgivings that both the previous speakers have said. But I also wanted to make sure that we got this through and I do not think there is too much difference between what was really said by Senator Pallett and myself. What I think is right is that we did discuss, we did try and get through, and I will say one thing, just in my defence, having taken over in the middle of all this, to try and put everything together back to 2018, when I first saw all the written statements and everything else, there is confusion. I totally agree with

Deputy Ward. It does look as if we are backing off. We are not backing off. All of us in this Assembly want the skatepark to go ahead or skateparks, I will put an “s” on it. I think it is essential that rather than continue this debate there is a way forward that everybody will benefit from. I still go back that here we are putting children first and it is essential that we make sure that this goes through. I very much want to help Senator Pallett, who started this many, many years ago, and I think if you would all consider your vote and support me withdrawing this amendment so that we can then go on to the main proposition and then go from there. If that is okay with you, Sir.

**The Bailiff:**

Yes, we can put the matter to the vote, it is the appropriate time. I will ask the Greffier to put a voting link into the chat. The vote is on whether the Deputy of Trinity is able to withdraw the amendment. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. Could Members ensure, if they are not speaking, they have their microphones turned off? The proposition has been adopted.

<b>POUR: 33</b>	<b>CONTRE: 8</b>	<b>ABSTAIN: 2</b>
Senator L.J. Farnham	Senator K.L. Moore	Connétable of St. Lawrence
Senator S.C Ferguson	Senator S.Y. Mézec	Deputy L.B.E. Ash (C)
Senator J.A.N. Le Fondré	Connétable of Trinity	
Senator T.A. Vallois	Deputy G.P. Southern (H)	
Senator S.W. Pallett	Deputy M. Tadier (B)	
Connétable of St. Helier	Deputy M.R. Le Hegarat (H)	
Connétable of St. Clement	Deputy R.J. Ward (H)	
Connétable of St. Saviour	Deputy C.S. Alves (H)	
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Mary		
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 of St. Mary		
Deputy G.J. Truscott (B)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		

Deputy of Trinity				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy I. Gardiner (H)				

[10:00]

**The Greffier of the States:**

The Members who voted *contre* were: Deputy Alves, Senator Moore, Senator Mézec, Deputy Ward, Deputy Le Hagarat, Deputy Southern, Deputy Tadier and the Constable of Trinity. The abstentions were: Deputy Ash and the Constable of St. Lawrence.

**1.2 Skatepark at Les Quennevais Sports Centre (P.1/2021) - resumption**

**The Bailiff:**

We then return to the debate on the main proposition. In theory it would be open to debate but if you are proposing to seek the leave of the Assembly to withdraw it, Senator Pallett, then I will obviously allow you to ask that at this point.

**1.2.1 Senator S.W. Pallett:**

Can I just start by apologising to Members for the position we find ourselves in. It is uncomfortable. Some of the comments that have been made are relevant. What I am not going to do is go into some lengthy speech here and make things even worse than Deputy Ward has just said in terms of wasting Assembly time. But I think it is important that if a solution is found or could be found that was going to be acceptable to Members - Senator Farnham this morning sent an email to Members explaining what the intended route forward was - then I think it is only right that we should follow that course of action. Picking up on the Deputy of Trinity's comments around young people. My intention throughout this was just to ensure that skatepark users, skaters, BMXs, young people, and some of our older skaters, finally got a skatepark that they deserve and fulfil their aspirations, and that has been my one and only goal throughout this. It has not been to upset anybody. Some comments have been raised about me about my intentions, which are unfortunate. I have tried to be open and transparent through everything I have done and I certainly never acted overtly. I have always tried to be transparent, which is why I brought the proposition in the first place. The discussions that we had overnight were not always easy. I think we had to compromise to some degree. But I think what we have finally come out with is a solution that will not only provide the urban sports community in the Island with a skatepark at the earliest opportunity, I think it also provides skaters, users in the community with the opportunity to have facilities elsewhere around the Island, subject to funding. I just want to make a couple of comments on funding. The funding moving forward is really important. One of the issues I was going to bring up, had I spoken on the amendment, was what I could only say is the short ... everything that was being proposed and that is still probably one of my main concerns. But I think Senator Farnham, I am going to take him on his word and take the department on their word, that they will go away and work up a funding proposal that will deliver not just the skatepark at Les Quennevais and a proposal at South Hill Gardens but deal with the issues that the Constable of St. Clement and his Deputies have brought up in the past about the lack of facilities on the east of the Island. It really is important that we do not disenfranchise those that are finding it difficult to travel either into town or to the east of the Island. The sports facility strategy, which should be released fairly soon now, and I think will comfort the Constable of St. Clement to some degree, is that there are proposals for a sports centre on the east of the Island, which will provide better opportunities for those in the east of the Island to access a public sports facility. But I think

what we also need to do and ensure, I think we need to work with him and those in St. Martin, Grouville and St. Clement to provide skating facilities sooner than later, at a site where they feel it is appropriate. It is not for us to decide where that site is. I think it is for the representatives of those areas to decide where they want a facility to be sited. I very much appreciate the offer from Senator Farnham, irrespective of what has been said about, apparently, my disrespectful officers in the department because that is not the case. I have got a great deal of respect for officers but I do have concerns about the process that was followed and I have rightly brought that up. But I do want to work with them, I hope they understand why I brought this proposition and why I have made the comments that I have made. But I do appreciate the offer that has been made and I will work with Senator Farnham, the Deputy of Trinity and the officers in the department to try to fulfil, as I say again, the aspirations and hopes of the skateboard community in the Island, which is what this has to be about. This is not about personal agendas. This is not about trying to score points over one or each of us. It is about the skateboard community and ensuring, like I say, that they get what they deserve. The comments about Deputy Fox and all the work that he did earlier on in the mid-2000s to provide a skatepark for the Island; he worked very hard to achieve that. But what was achieved, as much as it has been well used and I think is appreciated by the skateboard community, did not really meet their aspirations and was certainly not sited in an area where it should have been. It is a commercial port and we have got to be cognisant of the fact that we do need to move it soon. I am going to stop there. I hope that Members will accept that the proposal or the compromise on the table will deliver a skatepark in the earliest possible time. I think it is sensible to look further at what the opportunities are at South Hill before we commit to a full planning application. I think there is a lot of sense in what Senator Farnham has put forward, so I thank him for that. I will ask Members if they will consider or allowing me to withdraw my proposition, so that we can really get on with the hard work. Because this is only about a proposal to agree sites. This is not a debate or discussion over a planning application; that is where all the hard work needs to be put in. There is going to need to be some careful consideration by those that will determine these applications about what site is appropriate and the issues that need to be resolved. Residents will have concerns. There will need to be assessments done on both sites for all sorts of things; noise, crime, environmental, ecological, you name it, we are going to have to provide reports. I know at Les Quennevais some of that work has already been done but that work will have to be done for South Hill as well. As I say, I am asking Members if they will allow me to withdraw the proposition, so that we can get down to the hard work. I very much want to be part of that and will give my support, not only to the department but to the skateboard community, who have been sorely let down at times and do not want to be let down again. I just hope that we can, like I say, fulfil their aspirations.

**The Bailiff:**

Thank you very much. Does any Member wish to speak in connection with ...

**Deputy R.J. Ward:**

I just want to speak to put on to the public record my real concerns about this going as a process that will come with an outcome that will be built. Because with the experience that I have had with the lack of drive and the difficulty in getting a north of town community centre, even that was agreed nearly 2 years ago, over 2 years ago now; in fact I am losing track of the time that it was agreed. My fear comes from, first of all, I cannot see what is going to be done differently because all of this has already happened. There have been agreements, there have been plans and we are back to square one, and also some of the attitudes that have been shown. It is clear that certain Members do not want a facility nearby and there seems to be a real attitude that sees young people as a nuisance, when what we should be doing is encouraging them having somewhere to express themselves and involve themselves in the sport. By withdrawing this again we get back to square one. I wonder whether the Government should drop its putting children first pledge and just simply change it to putting planning applications first. Because I am sure that is something that the whole of Government can get behind

and we might see some unity for once. I just want to express my absolute disappointment in this and finish by saying that simply no progress has been made.

**Senator S.C. Ferguson:**

I have listened to this, yes, I am very much in favour of having a park at Les Quennevais but we have a sports centre at FB Fields. We have got it already planned as a sports hub and we have got some spare ground up there apparently. Why are we looking at putting people up on South Hill, which has limited transport and really is quite a long way away for everybody? Better surely to have a main hub at FB Fields where there are something like 5 bus routes that go nearby or up to it and have a subsidiary site at Les Quennevais, the main one at FB Fields and just get on with it. I really do not understand. I was going to speak against South Hill ...

**The Bailiff:**

Senator, I have to interrupt you because obviously the matter before the Assembly at the moment is whether Senator Pallett is given leave to withdraw his current proposition and it is on that that the Assembly has to make a decision. The matters that you raise might well have been raised in the main debate but they are not matters before the Assembly at the moment. The Assembly cannot make any decision on those matters.

**Senator S.C. Ferguson:**

No, I just threw them in, Sir. In line with Deputy Ward's comments, for goodness sake cancel what is going on and get something sensible done; it is rubbish.

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

We are in danger here of walking away from a resolution to an issue. We have had the one proposition, the amendment, withdrawn. We are about, it looks like, to talk about withdrawing the main proposition. Yet, all we have got is a sort of verbal agreement of a way forward, which still has problems with the financing, the bottom line always interferes. I would advise us not to withdraw this proposition but to go through with it and that way at least you will get that half of the verbal agreement underway and active. If there turns out to be problems with the surveys of the land or problems with the financing, more importantly, then at least we get something. At the moment we are in danger of walking away from a fight that we have not resolved and getting nothing.

[10:15]

I would open a book that in 2 years' time unless we push ahead with this proposition and make sure something happens, I would open a book that there will not be any progress in 2 years' time. We will still be sitting here without funding, without the nice-to-haves, yes, we would like these facilities, suchlike facilities all around the Island, but we cannot and we will not have that. It seems to me I would urge us to press ahead and urge the proposer to press ahead with this proposition to make sure we get something on board and that way we might see something within 18 months, otherwise we risk getting nowhere.

**Connétable S.A. Le Sueur-Rennard of St. Saviour:**

I agree with the last speaker, I am afraid. Deputy Ward is quite correct, we had promised a skatepark and now we are debating something else and they have muddied the water by saying we need one in the east of the Island. Let us just do what we promised everybody that they would get a skatepark at Les Quennevais. I have sat here, I came back early from the dentist and I wanted to vote, then I found out it had all been sort of not brushed under the carpet. I really think we should stick with this, vote for it and if we lose the vote for having it at Les Quennevais, well at least we voted. But something has to be done and a decision has to be made. We cannot just keep shelving things that we made decisions on ages ago. I do not think it should be withdrawn.

**Connétable J. Le Bailly of St. Mary:**

May I say what I intended yesterday, which is still relevant?

**The Bailiff:**

Only if it is relevant to whether or not this is withdrawn, Connétable.

**The Connétable of St. Mary:**

It has already been stated that one skateboard facility is not practical, whatever the location and that satellite facilities would be desired. Why do we not take this opportunity to apply to planning for 2 facilities; the main one in St. Helier and a satellite in St. Brelade at Les Quennevais? Further satellites could be added, as funds and locations become available. Though if that is as quick as installing a fresh water supply and drainage to the north of the Island in areas who do not have the main facilities, then that shall probably be never. We are voting on this proposition on the misconception that it is a children's facility; it is not. It is also a young adults' facility. Many youngsters have an interest in skateboarding well into their 20s. This is not just for children, it is also a young adults' pastime and interest. Young adults are 16 years old, they are responsible people, otherwise why has this Assembly allowed them to vote? If we are to have responsible adults in later life, youngsters need to be nurtured. These facilities will help to do that by creating an interest in a common sport, which will also create friendships into the future. We have been elected to make decisions, not to wave this off for planning, hoping that our civil servants make that decision in order to let the politicians off the hook. We need to insist that Planning approve the 2 sites, surely it is for us to demand that they deliver the requirements. If we do not make such decisions, why are we here? It is a question often asked by members of the public, who are losing faith in our ability to make basic decisions; the hospital complex is a good example. I grew up with the Fort, for ever being talked about, nothing done. When it finally went ahead it was too late for me to enjoy and it was referred to as the white elephant, yet hundreds of thousands of people have passed through those gates to enjoy the facilities. Sadly, we have lost the Fort swimming pool due to lack of maintenance, a building which could have been utilised as an indoor skateboard area. It is time to put something back. If creating a skateboard park helps to do that, then we need to do this now.

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

If I was running Jersey Harbours I am not sure that yesterday's and today's debates would fill me with any joy. To me, I do not think we seem to be any nearer to making a decision on this matter. I accept that planning is a very key part of this and I also accept the compromise that has been reached. But I think I would say it is a shame that this was not discussed before today's and yesterday's sitting. In terms of me voting, I will vote to support Senator Pallett but I would hope that in his closing remarks and maybe Senator Farnham will speak as well and give the skaters some assurance that while we sort this out, and I sincerely hope that we are going to sort this out in short order, that we give an assurance to the skaters that currently use the existing skatepark, that that certainly will continue to be available to them until such time as the new facility opens. Because if I was a skater and had listened to this for the last day, I would be seriously worried that Jersey Harbours is just going to close it and I would have nowhere to go, which would be a great shame and, from their point of view, a big loss. I urge everyone involved, and I am sure that they know this, to get on with this. Let us get this done, let get these parks built and let us give the skaters the skatepark that they deserve.

**Senator S.Y. Mézec:**

I will not repeat what others have said, other than to say what a complete shambles the last few days have been. Throwing in a last-minute amendment was clearly a ridiculous thing to do. It has wasted our time and I would personally much prefer that we were getting on with voting in favour of Senator Pallett's proposition without it being withdrawn and he would have my full support in that; I would vote for it. If he wishes to withdraw it though, that is a matter for him but I will not vote in favour

of doing that because I think it would run the risk of us wasting even more time on this and the people who we are trying to serve here deserve better than that. Let us just get on with it and build a skatepark out in Les Quennevais, as was apparently meant to have been the plan before.

**Deputy M. Tadier:**

I am addressing my points as to why I have concerns about the withdrawal. Just turning the radio off, which I had in the background but it does not seem to want to switch off, so I will unplug it. I do not think it would have disturbed anyone. It is a rather nice jazz version of Eleanor Rigby from F.I.P. (France Inter Paris) Radio, I recommend it. But we could probably all do with a bit of jazz after today. Let us get back to the skatepark and whether or not we should withdraw. The reason I would be wary in Senator Pallett's position to withdraw, and I am not trying to teach him to suck eggs, but I think he knows better than anyone about the value of promises from this Government and about accepting those promises and going down a workstream, when officers or other politicians say we could do it that way but why do we not do it this way? Why do we not just look at it, do a feasibility study on South Hill, which was what he was told against his better judgment? Then sure enough it was against his better judgment and I am just questioning today whether again withdrawing is against his better judgment. I do not know whether there is support in the Assembly to win a majority for his proposition but certainly he would have had the support of our party; that is 5 votes. I know many other Members wanted to support the skateboarding community in providing the best facility as soon as possible, which seemed to be overwhelmingly at Les Quennevais, which is not without its problems from a constituency point of view. The reason I am sceptical about anything being delivered if he withdraws today is because this Government is not very good at action. We do not need to mention the hospital but I know, for example, that talk is cheap and that in-principle propositions are cheap. I am still waiting for the discrimination against children in accommodation to be enacted. It was passed overwhelmingly by the last Assembly, which I was also in, and yet it has not been done. It has not been given the priority it should have; no doubt COVID excuses will be given and I just see this being parked again. Because the Government is very good at doing review, review, review, review and I think it is just an excuse in some cases for not taking action. If you say we want to change the tax system, we want to look at changes to social security, we cannot do that, it is under review, we have got to wait for the review. We would like to make changes to housing, we cannot do that, it is under review; we have got to wait for the review to come back and see what it says so that we can decide whether we like it. Because we cannot do politics, we are only politicians. I think, again, this is just jam tomorrow. I think the Constable of St. Mary alluded to it, there is talk about why do we not have 2 skateparks? Why do we not have 3 skateparks? We cannot even build the one yet. Are we getting ahead of ourselves? Are we trying to skate before we can even run? It does seem slightly bizarre and, as Deputy Martin might say, this is jam tomorrow, is it not? It is jam tomorrow. I think part of the fundamental problem is that there are certain elements of this Government and there have always been those elements for whom it is anathema to spend public money on public good. Just remember back to the Town Park, how much of a struggle that was to get a much-needed facility in the centre of St. Helier in what was very much an urban sprawl there in Gas Place and it only got through by chance of course. I personally am not going to vote against the withdrawal; that is just procedurally. I was happy to vote against the withdrawal of the amendment because I think that was a last-minute tactic. I think it would probably be churlish on my part not to allow the mover, he has done so much work on this, not to withdraw. But I do just allow to voice those concerns about what he can expect and what the Assembly should expect. We cannot vote for this withdrawal today and expect this Government to take any meaningful action. I am concerned that we will just see skateboarders treated again as an afterthought and if you look at the facility; that has been crammed at the Maritime Museum part of the harbour. It is an absolute disgrace; they are caged in there like animals. If it was another sport like croquet or golf we would not be having this argument about, can croquet players travel to the west of the Island in order to play croquet? What happens if the croquet players start throwing croquet balls at my window and start

smashing up the place? There are not those kind of arguments that are being made and I think we do have to bite the bullet and accept that skateboarding is a proper sport, it needs a proper facility and that skateboarders will travel to the proper facility in the Island, wherever that might be. When there are satellites, yes, great, let us see if we can get a satellite to look at Mars, shall we? But let us get on and build a skatepark and withdrawing this proposition I do not think represents progress. I think it represents 2 steps back and only one step forward.

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

I, personally, have only one thing in mind with regard to any aspect of this debate and that is the importance of building a skatepark, wherever that may be in the Island. We need to give our Island's young people something that they can be proud of and a sense that the Island embraces the sport of skating and other urban sports and that we are proud of them. Who knows what can be built upon a good skatepark in terms of tourism, in terms of competition? Who knows what level of skaters will come out of this or BMX riders indeed? Jersey needs to move on and move forward, there is no question. But with regard to this particular debate, there is an inescapable reality which means withdrawing this proposition is the better way forward and that is regardless of any decision the States make, whether we say Les Quennevais is our preferred site, whether we say South Hill or indeed on top of Cyril Le Marquand House as our preferred site.

[10:30]

No matter what the States decide, any site then has to go through the planning process and that planning process is very capable of turning down any site that the States put forward. Regardless of our decision, the actual decision is always going to be made through the planning process. Therefore, in my mind, it makes absolute sense to just go ahead, essentially hedging our bets by putting forward 2 applications for each site and the planning process then and the public consultation that is enabled by the planning process will decide which in terms of either or both or indeed none of them may be able to go forward, depending on the results of that planning process. The people who are saying that we need to make this decision today in terms of the States decision seem to be forgetting that no matter what decision we make it can all be overturned through planning and there is absolutely nothing any single one of us can do about that. It does make complete logical sense to just go ahead, put both planning applications in and see what the planning process has to say about it. We know there are problems with both sites from a planning perspective and so we need that to be tested through planning. The quicker we can get that in through planning the better because once that process has run its course that is when we will finally be able to start building the skatepark wherever that may be. With that in mind I think it makes sense to vote for the withdrawal of the proposition and get on with this planning process as quickly as possible.

**Connétable P.B. Le Sueur of Trinity:**

I will be brief. I have to say that I am concerned about the suggestion of withdrawal. I think this puts the Assembly in a poor light in the eyes of the public. I think we should at least move to determine the propositions and amendments which are before us today. How often do we see the Assembly trying to draw back when they do not like the decision of a Planning Committee and set themselves up as a committee of 49? I will be voting against withdrawing this proposition, although I will seem to be contradicting myself if it does go forward to a vote because in the main proposition I will obviously be abstaining because I feel that there is a conflict, as this matter will end up at the Planning Committee. But I think the Assembly should give a steer to the committee which way they want to go with this.

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

I just wanted to speak in favour of the withdrawal and thank everybody for contributing. As somebody who has spoken in the amendment debate yesterday, I outlined all the points I thought

were very pertinent to why it is important this Assembly highlights issues along the political process because that is what led us to today. In essence, I believe everybody is right. Yes, we should not be here. There are many lessons to learn from it and I hope everybody does take that on board. I just want to briefly thank the members of the public who contacted me yesterday. There is a lot of public interest in this and I think it is only fair that they are told and understood what this means. I am sure Senator Pallett will do that and I thank everybody for contributing. I hope this is the tone of going forward, that we can all work together, because regardless of wherever you sit, whatever you think, there are 49 of us and surely we can do things better.

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

I am going to be brief but I just want to make my position clear. First of all, I would hope that Senator Pallett will consider his position to withdraw this. When it comes to the vote I shall vote against withdrawal. My reasoning is, as others have stated, States Members have been elected to make decisions and we should not hiving it off to the Planning Committee or to the planning officers. We had a proposal from Senator Pallett on a scheme that had been well-researched, had gone through the Council of Ministers have been costed, all the work had been done and then reversed at the very last moment. I am still concerned about the mechanisms that have caused that 180-degree turn in policy from the moment he left office to the amendment being brought forward. That is a political thing but I do believe that we should vote on his proposal, go ahead with it, take it to Planning, if we approve it, and at the same time there is nothing to stop the Minister putting forward proposals or another skatepark on South Hill to Planning, and let us see if all the hurdles that were identified yesterday, and again the concerns I have about that site, are valid or not. Then the States can look at ... as they have already said, there is no money available for both, and they are talking about in this year's budget, proposals going forward, they would have to find additional funds. At that stage, we will have perhaps one skatepark in the pocket, in the sense that Les Quennevais may get through the planning process, but the States will have made the decision, and then later on in the year we will see whether South Hill would be suitable and whether funding can come forward and we can support that later on in the year in the budget proposals. I think the States would be abrogating its authority and its position. We should make the decision in the first instance, and if we are right and Les Quennevais is a suitable site, if that is the decision of the States, then we can go ahead with it after the Planning decision.

**Senator L.J. Farnham:**

Following on from Deputy Higgins, that is exactly what is proposed. Just to reiterate what I said this morning, what I put in writing to all States Members, that we will exceed the requirement of Senator Pallett's proposition and the amendment by, in addition, submitting planning applications and officers just have not been sat down doing nothing for the last 6 weeks while Senator Pallett's proposition has been lodged. They have been working up plans for Les Quennevais, the Les Quennevais application is practically ready to go. That will be in by 26th February in line with the proposition. As we said, and as Deputy Morel rightly pointed out, to hedge our bets and we will be able to get even more facilities to the skateboarding community. We are already working on an outline permission for South Hill. In addition to that, we have committed to investing in good facilities for the east of the Island, further investment in St. John and St. Ouen facility, and a commitment to delivering further satellite facilities planned for St. Helier over the next 2 years. We have, in agreeing this today, far exceeded the outcome of the proposition and the amendment, which is good news not just for the skateboarding community but for the whole Island, I believe. I suggest, and it is disappointing that some Members just choose to try to bash the Government with these sort of things. We have a really good solution and, as Senator Pallett said, let us get on with it. This is where the hard work begins and let us just get on with it and get these applications in.

**The Bailiff:**

Does any other Member wish to speak? No other Member wishes to speak, then I close the debate and call upon Senator Pallett to respond.

**Senator S.W. Pallett:**

I want to thank Members for their contributions and I sense a great deal of frustration from my colleagues, and understandably so. I think Members, the public, generally just want us to get on with this and that is very much my feeling as well, is that we just need to get on with this and build something. I understand the concerns about withdrawing the proposition because I think people feel that potentially it gives the department, the Minister, potential ways out of not achieving that. But let us go back prior to the election in 2018 and what happened during that election. I am not saying every States Member in the current Assembly supported the building of a new skatepark but I think the vast majority did, and I think the vast majority were committed to providing something within this political term. Frankly, if we do not do that I think a lot of us are going to find ourselves in electoral peril at the next election if we do not get some concrete in the ground and provide a skatepark that users need and have been asking for. My biggest concern, which I think is a concern of other Members who probably would have preferred I did not withdraw this, is around the funding. This project, to complete everything that is being promised here, is going to need more funding. Have we any control over that? We do. In fact we certainly do because each year we can amend, if the department or the Government do not come up with the necessary funding to deliver these facilities anyone of us can amend the Government Plan. I will, without doubt, if I cannot see the necessary funding in place, be looking to bring forward amendments to the next Government Plan to ensure that we can follow I think what we have promised to deliver in the debate yesterday and today and what I have agreed with Senator Farnham is the right way forward. We will soon know if people are going to keep their promises because, as Senator Farnham has just said, and I believe him because I have seen some of the work, is that a planning application will be submitted by the end of this month for Les Quennevais. He is right. I know work has progressed throughout the year on Les Quennevais. My only concern was why it got derailed. But I know work has gone on in terms of providing or getting that planning application prepared. By the next sitting we should have a planning application in for Les Quennevais, which if it is not in I think we have the right to ask questions why it has not been. The Deputy of St. Mary mentioned the users. He is absolutely quite right. This is not just about children. It is about providing a facility for Islanders, for adults, as well. But we have to remember that again one of our strategic commitments is around putting children first. In a time when we have had so much doom and gloom with the pandemic this should be a ray of sunlight, a bit of hope so that people when they are coming towards the summer and going into next winter, can look forward to be able to skate a new facility that we can all be proud of. The Constable of St. Ouen made some really interesting points and again I think he is right to mention New North Quay and the role that Ports of Jersey have played. But the Ports of Jersey have been supportive of this process all the way through. They have provided funding and they will provide funding for the new skatepark. Knowing the new chief executive, I do not think there is any intention of closing the facility at the New North Quay until we have a new facility built. That is just not what I would expect of Ports, and again Ports is a wholly-owned subsidiary. It is owned by the States and there are ways to ensure that we can keep that skatepark open. One of the things I think we are running the risk of here is damaging even further the trust between the States and the public. Debates like this do not happen but sometimes we need to go through these debates to focus on some of the things that are important to people. When we promise things the public expect us to deliver on them. I have no doubt whatsoever, having worked with Senator Farnham, through thick and thin, it has not always been ... we have always had quite sometimes difficult discussions around various areas and we have not always agreed on everything but we have remained friends and we have kept the ability to be able to talk to each other and deal with issues and try to find a solution. What Members have got every right to ask is why we could not have done that prior to the debate, and I apologise for that.

[10:45]

I am sure Senator Farnham would as well for not maybe working hard enough to provide a solution prior to this debate. Maybe we could have worked harder towards that. But we have found one, one that I think is workable. One thing this has done is put what is an integral part of community “Life in Jersey” in the spotlight and that is sports facilities that are not mainstream and appeal to a lot of young people that do not fit into other sports and want an outlet. That outlet is not just about sport. It is about their well-being, about their mental health, about the ability to socialise and about the ability to be with one another, something that they have not been able to do for the last few months at times. I ask Members, let us allow this to be withdrawn. I have been offered the chance to work with the department and to keep a close eye on how this project will move forward. I will be vocal around anything that I feel is not beneficial to the skatepark community, the public or the integrity of States Members moving forward. I ask Members if they will agree to withdraw this so that we can get on, get the first planning application in, and if that is past I will be expecting a spade to go in the ground within days. We are running against a clock if we want to deliver something before the end of this political term. Also to again keep our promises to Ports because they have been very patient in regards to us delivering this so that they can get on with other plans that they have for that site. All I ask Members is please let us withdraw this, let us move on, let us be positive, let us try to increase the trust with the public and get behind delivering a skatepark, get behind the Minister, the department, the officers who I have an awful lot of respect for and will always have respect for, and deliver a skatepark.

**The Bailiff:**

I ask the Greffier to place a vote into the voting link. A vote *pour* permits the withdrawal of this proposition and we then move to the next item of Public Business A vote *contre* and the debate will continue. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 32</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Senator S.C Ferguson		Connétable of St. Lawrence
Senator L.J. Farnham		Senator K.L. Moore		
Senator J.A.N. Le Fondré		Senator S.Y. Mézec		
Senator T.A. Vallois		Connétable of St. Saviour		
Senator S.W. Pallett		Connétable of Grouville		
Connétable of St. Helier		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Mary		
Connétable of St. John		Deputy G.P. Southern (H)		
Connétable of St. Peter		Deputy M.R. Higgins (H)		
Connétable of St. Ouen		Deputy M.R. Le Hegarat (H)		
Connétable of St. Martin		Deputy S.M. Ahier (H)		
Deputy J.A. Martin (H)		Deputy R.J. Ward (H)		
Deputy of Grouville		Deputy C.S. Alves (H)		
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
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 of St. Mary			
Deputy G.J. Truscott (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 J.H. Perchard (S)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

## 2. “Life in Jersey” Test and Eligibility for Election (P.2/2021)

### The Bailiff:

The next item of Public Business is “Life in Jersey” Test and Eligibility for Election, P.2, lodged by Deputy Gardiner. I ask the Greffier to read the proposition.

### The Greffier of the States:

The States are asked to decide whether they are of opinion – (a) to request the Council of Ministers to develop a “Life in Jersey” test based on the existing Jersey aspect of the British citizenship test, for introduction by October 2021; (b) to request the Council of Ministers to establish an appropriate oath or affirmation for allegiance to the Island of Jersey (including its cultures and traditions) by October 2021, with a view to persons taking the oath or affirmation before the Royal Court of Jersey in order to obtain a certificate in the “Life in Jersey” test; (c) that a person who has successfully completed the “Life in Jersey” test and who has taken an oath or affirmation before the Royal Court, in accordance with paragraph (b), should be eligible to stand for, and be elected to, the States, notwithstanding that they are not a British citizen, provided all other necessary criteria under the relevant law (other than British citizenship) are met; and (d) to request the Privileges and Procedures Committee to bring forward the changes to the States of Jersey Law 2005 and, in consultation with the Comité des Connétables, the Connétables (Jersey) Law 2008 to give necessary effect to paragraph (c) of this proposition by the end of 2021.

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

The eligibility criteria for States Members has been the subject of more than one debate in the States and in the last debate on 22nd September 2020 views were wide-ranging. As Members are aware immigration, citizenship and identity are issues that I have personally worked through most of my adult life and I think I have some expertise. I certainly have an immigration, integration and citizenship experience in common with a significant part of our population that is not shared by a significant percentage of our Assembly. I made the decision twice in my life to take citizenship. I also did not have to take British citizenship. I could have remained a permanent resident in Jersey for the rest of my life. I did not have any thoughts about political life then, when I made my decision to become a British citizen. I came to the last debate on the eligibility to stand in our Assembly with clear vision that, probably Members remembered during my speech, I was pretty certain that if you wanted to be a part of the leadership of this Island you needed to have British citizenship and this

was my position when the debate was opened in September. I am not sure if Members remember that at the end I abstained as the debate changed my mind, and this is why the debates are important because if we listen carefully we might change our mind. There were 2 specific reasons which were highlighted during the debate, which pushed me to abstain. The first reason was we do not have a Jersey citizenship, we have British citizenship that does not connect really to Jersey identity and, secondly, we do not have a process where a person can become recognised as Jersey even after 30, 40 years living here. So a child that was born in Jersey from parents' status will not automatically get British citizenship even though they were born in Jersey. This is where I felt that it is my responsibility to bring something forward because it is important and the world was very close. My proposition gives individuals the opportunity to acquire eligibility status to stand for election as a States Member by obtaining a "Life in Jersey" certificate - the certificate in my proposition - and the certificate illustrates an individual's commitment to learning about the Island rather than the United Kingdom. The certificate will have 2 parts. One is a test and, secondly, a ceremony in the Royal Court. I will take you through my paragraph and through my journey that I have with myself when I was putting this proposition together. Anybody who would like to have British citizenship would need to pass a test of Life in Jersey. As a Jersey resident you will have to do the supplementary test, Life in Jersey. There is Life in the U.K. (United Kingdom) for British citizenship and "Life in Jersey" supplement that any person who lives in Jersey would like to get British citizenship should do. I have done it when I submitted my request to become a British citizen. The test already exists. It is run by Highlands as part of the test Life in the U.K., so logistically it is an established process, which will need to be adjusted obviously if this proposition will be adopted. The rationale of doing the test as follows, and this is where again I am coming from my personal experience and I hope Members will try to connect to their own. Having to study to get the knowledge in the Jewish religious text, the Talmud, it states the following: "Study leads to action." I reflect on these words as I remember Members, the Israeli Jewish population is overwhelmingly an immigrant population that arrived after the Second World War. Israel struggled to create a unified national identity that blended the east with west, Arab tradition with European, but unified identity is created nevertheless. This is because after the Second Temple was destroyed for 2,000 years Jewish leaders needed to find an innovative solution to keep the nation together and learning was the route they chose. The solution was completely innovative at that time. The product it created is religious text, Talmud, that I have quoted perhaps for the first time in the history of the Jersey Assembly. The new cultural identity in Israel was established in light of this need for innovation, including old ancient traditions and inclusivity of all cultures that Jews from all countries brought to Israel. Our identity, any country identity, is the story that we tell ourselves about who we are, and without knowledge we cannot tell ourselves who we are. So the test is to prove a person has enough knowledge of Jersey, to be able to tell themselves the story of who they are. It is not perfect. But we have to start from somewhere. We need to establish a new way of getting a Jersey identity as 50 per cent of our population is not Jersey born. Another life experience that I am bringing. In 1990s I personally witnessed how 15 countries of the former Soviet Union created national identities which were repressed during the communist time. Now, they are very strong. Thirty years later we all know the national differences between Latvia, Ukraine, Russia and Kazakhstan. All 15 nations were reinvented and embraced by the population, and it is done through education and ceremonies. So now we are going to paragraph (b) of my proposition, the need of ceremonies. Ceremonies hold an extremely important place in our life. They mark life essential moments. They reflect our beliefs, hopes, tradition, culture and spirituality. A ceremony can help to show people they are united and that they belong. They can motivate us, stimulate our emotions, and mark significant moments in our life. The positive effects of a ceremony are universal across civilisation and are not specific to age or gender. For me it is also a part of why the question about Jersey identity. The identity of being an immigrant and a local, both identities need to come together. It is how we control our updated Jersey collective and shared identity. How we manage our 21st century vision of inclusive identity shared by the majority of our population. We are in danger of having a significant part of our population who feel they are not part of Jersey,

who do not consider themselves to be citizens, and therefore have no need to contribute towards our long-term future. The question is not: are you Jersey? The question is what kind of Jersey person are you? I know lots of work is going into the Island Identity Policy Development Board, led by the Deputy of Grouville, and I welcome this work.

[11:00]

It is very important to have a vision and I am certain once the report will be published it will bring clarity and actions. This test and ceremony and this process can be included or even the new vision that will be published by the board who will take over this proposition. Currently we all know that we need more representatives from our minorities so the Assembly looks like a random sample of the genders and ethnicities of our Island. The Island population is different and I was disappointed that the Council of Ministers did not support this practical movement, which can be used as a pilot project. Maybe it was to consider paragraphs separately to start with test and ceremony that can be used for various properties in creating an Island identity. But my vision and my world today, and I hope the Assembly will support, that this proposition I am aiming to find a way of opening the door to the Assembly to our population that were not born here, do not have British citizenship, and make Jersey their home. I am grateful for P.P.C. (Privileges and Procedures Committee) comments to support this proposition as one of the possible solutions to the problem of how minorities disengage with politics. In summary, the certificate and ceremony will provide a simple straightforward route for the individual to show willingness, to understand the Island identity, and affirmation and confirmation of their alliance and support for Jersey. I move my proposition.

**The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

**2.1.1 Deputy J.H. Perchard of St. Saviour:**

This proposition provides a mechanism for any non-British resident of Jersey to be allowed to access the election as a candidate. To my mind, one of the many compelling arguments in favour of this proposal is that it is penned by a Member who truly represents the people and the communities that the “Life in Jersey” certificate is designed to help. Deputy Inna Gardiner, born in Kazakhstan, a British/Israeli citizen, first trained as a social worker to help Israel’s divided community, has spent 20 years working with businesses and educational institutions to improve team dynamics and has worked pro bono for Global Action on Poverty. This is someone who has put identity, community and belonging at the centre of their working life. Her election campaign had community at its heart and her subsequent work in the States has consistently shown the authenticity of her campaign commitments to nurture a more inclusive society. Furthermore, you only have to look at the journey the Deputy has taken herself to appreciate that this proposition has been borne out of her own belief that in addition to supporting those from different backgrounds, those people from other places also need to take action to embrace the community they have chosen to join; a belief that she has embodied through her own actions as an Israeli citizen who has made Jersey her home. Are we not pleased that she did? Upon moving to Jersey, Deputy Gardiner qualified as a Jersey bronze badge tourist guide to, in her own words, find out more about the history and heritage of our beautiful Island. She has dual nationality because she believes in the concept of demonstrating a commitment to the people of and places where she lives. However, as the Deputy has pointed out in her report, for those whose country of origin does not allow dual citizenship the “Life in Jersey” certificate will confer a right that is currently denied to them. It will also place a responsibility on them which will in turn allow them to participate fully in our democratic system in Jersey by being allowed to run for election. Had the Deputy not been able to access dual citizenship it is possible she may not have given up her Israeli nationality to become a British national and, therefore, stand for election in Jersey. We are so lucky that for this Deputy the option for duality existed as I am certain that the States of Jersey and the Island community would be worse off without her in the Assembly. For those non-British residents

for whom duality is not an option we have to find a solution. How many Deputy Gardiners are we missing out on just because it so happens their country of origin will not allow dual citizenship? Is it fair to ask that such individuals give up the nationality of their place of birth in order to go through a naturalising process that contains only one supplementary section that is relevant to the Island's identity? It is my view that for these non-British citizens a "Life in Jersey" certificate would be more relevant, more educational, more informative and show a greater commitment to the Island than this naturalisation process. The "Life in Jersey" certificate provides equal access to anyone wishing to retain their nationality while demonstrating their commitment to Jersey, and while being able to serve the Island as we all do in this Assembly. This is not about Jerseyfying non-British nationals. This is about inclusion and about community. This is about balancing rights with responsibilities when making a place a home. This is about giving everyone an insight into the Island that is their home and an entry point into politics, irrespective of the nationality in their passport. Let us not lose sight of the intent and of the outcome of this proposal. We all know what it is to wish to serve; let us no longer deny this possibility for those in the community who rightly may choose to retain their original nationality over becoming British, but who share a true desire to serve our community in this beautiful place that has become their home. For anyone from anywhere who makes Jersey their home, moving here is part of their story and they become part of ours. In a world that is increasingly divided let us bring our stories together to create a Jersey identity that is not represented solely by people like me, Jersey born, Jersey name, 800 years of Jersey family. Of course for me that history is an important part of my story, but my story today and my story of the future is not this. My story today and my story of the future I hope will be enriched by a more inclusive community. Thank you.

### **2.1.2 Deputy G.P. Southern:**

This proposition goes very deep for me. It is about fundamental principles and it is also about my conscience, and I find it is a very difficult decision to make as to how to go forward because when push comes to shove, however you look at this proposition, it is fundamentally discriminatory. It will produce 2 groups of immigrants; the first group like me who are British born and have allegiance to Britain which is not relevant to Jersey, and those who do not have a British connection and have to do this test. Now, the test may well be not an enormous one, it is not going to cost you £2,000 to get your British citizenship, you will get the Jersey test but, nonetheless, it is still discriminatory. As a fundamental principle I find it very difficult to vote for something even though it is only mildly discriminatory. It does not sit comfortably at all because in principle it is wrong, wrong, wrong. But I balance that with the lessons learned from the previous Deputy of St. Martin who used to say it is one of those propositions where you have to hold your nose if you are going to vote for it. So the question for me is, it is discrimination, it will produce 2 distinct groups of immigrants, one of which will sit over another; or it is less discriminatory than what we have had in the past and currently do have so, therefore, it is only mildly discriminatory and I can hold my nose and vote for it because it will enable some people from minority groups to stand whereas previously they could not afford to stand. So that fundamental dichotomy I still find difficult and I do not quite know which way I am going to go on this. That decision I think everybody has to make today whether to vote for something that is discriminatory and disadvantages some groups on the Island, or to give a greater opportunity to minority groups to stand for the States. I do not know how I am going to vote but that is the question that I have in front of me.

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

These debates are normally not necessarily as interesting and I will tell you why this is an interesting proposition for me. It is because sometimes when you get up to speak, or whereas I am now sitting down at my dining room table on my own, you think it does not matter what I am going to say because it is not going to change anybody's opinion. But I have got an unusual situation today by being able to perhaps help my good and esteemed colleague Deputy Southern come down on one side of the fence or the other. I do share and have been on a similar journey to him. I have, however, come out

on one side firmly on this debate and I have full respect for Deputy Southern, he has taught me so much over the years. I think the reason I have come so firmly on this particular decision is because I have implemented some of the shared values that we have and some of the core values that he has helped nurture in me; that is one fundamentally of antidiscrimination. There are several points I want to make and I apologise if this is slightly disjointed but I will be primarily speaking to Deputy Southern, but anyone else is of course allowed to be influenced by my words if they choose to. First of all I will start with Deputy Perchard. I do find it really difficult with Deputy Perchard when she says that she wants to overcome the division and help make it easier for non-British nationals in Jersey to stand for election because she had that opportunity only a few months ago. Personally I will always find it very difficult to reconcile what I had hoped from Deputy Perchard with those core values she purports to have with the way she voted in that particular vote, especially after she told me that she was going to support it, because it lost by one vote and if she had voted the other way we would not need this debate today. We would have a situation where non-British nationals - albeit with Senator Gorst's caveats that he put in - could stand for election. They would not need to go through this rigmarole of a test that has been set up by Jersey politicians for other potential candidates to meet before they can even become candidates, let alone get elected. The point is we already have a test in place, it is called an election, and the only test we need is to say if somebody wants to be a States Member, a politician, and serve their Island in that way and their community it is called getting elected. You put your name forward and if you get enough votes and beat the other candidates then you pass the test. That is because we elect people on merit; we do not put obstacles in the way and say: "Well my personal opinion is that you should have had to pass a contrived Jersey test that we have made up and that I have asked the Council of Ministers to go away and approve based on the Jersey part of the British nationality test" which I have looked through.

[11:15]

I do not deny that it is not useful to go through that process. I was interested to hear that Deputy Gardiner previously did the bronze badge course and it is something I would encourage Members to do. I have done it and I found it very interesting. I have read through the notes there and it is good, it is the received history of Jersey, it even talks about the fact that in the past in the Island we were not all royalists because that is a myth that often gets passed down. It says that many were parliamentary sympathisers and that was perhaps sometimes for ideological reasons or simply because they did not like the ruling Carteret family of the day who were also privateers. But there is no mention of the slave trading there. There is no mention of the fact that George Carteret was a slave trader. How would you feel if you were a black Islander living in Jersey, perhaps with some British heritage at some point or perhaps not, and you move to Jersey and you realise that you have got a cleansed version of Jersey history which only selects certain parts that we want you to hear? It is this idea that we are going to set up a test for other people to meet. What if my test is different? What if I say there should be a numeracy test because in order to be a States Member you are going to be dealing with making budget decisions and we cannot have people who do not have basic numeracy skills being States Members. Let us add that to the list, let us say that as well as doing a Jersey citizenship test you have to do a G.C.S.E. (General Certificate of Secondary Education) in maths or you have to do an A-level or you have to show some basic arithmetic. What about a literacy test? We want to make sure that everybody who becomes a States Member has got perfect diction and that they have got perfect literacy skills, and anyone with bad grammar or anybody who is perhaps dyslexic should be barred from being a States Member. I would say to Deputy Southern that it is the thin end of the wedge; that fascism does not happen overnight. I know it is being sold in such a way that says: "Look, this is better than what we have got now, is it not?" I say, well, no, if you want to have a proper anti-discriminatory system you would simply decide whether or not we allow non-British people to stand for election. If we do not want non-British people to stand for election and we genuinely believe in our hearts that you should be a British citizen to stand for election that is fine, we do not put other tests in the way. But if you think that anybody should be

able to stand for election if they can cut the mustard and convince a very discriminating electorate - and I am not talking about necessarily racially discriminating, I am talking about discriminating because you know the public cannot be treated as fools - then that is the other way to go. We do not put these false tests and these false dichotomies in the way. This is the problem here - as I said to colleagues earlier today - is that it is both superficially appealing and superficially abhorrent and that is why we have these internal conflicts. Frankly I do not have a big enough clothes pegs or I have run out of clothes pegs to put on my nose to hold while voting for something which is completely flawed. There is also this idea of submission that I have seen in Jersey whereby you have got 2 categories of people, you say you are either from Jersey or you are not, and then even within that you have got subcategories saying: "Well you have not been here enough generations, you grandparents only moved over 50 years ago" or: "You can only go back 4 generations on one side but I am a true Jerseyman because I can trace my family records back to King John." It is all complete nonsense of course because that does not tell you whether you are a good or a bad person or whether or not you can make the right decisions or whether you have something to give. The idea that we are going to put a test out there, a Jersey test that we have designed for people who have been living in Jersey perhaps 20, 30, 40 years, what kind of message does that say to them? I mean, somebody who has lived in Jersey for 45 years is more Jersey than I am, yet I will never have to take this test in order to stand for election, but somebody who knows more about Jersey than I might has to go through this submissive process. We see those levels of discrimination in the Island where people have lived here for 10 years and they think: "I have done my time now and I am not really a Jersey person but I feel privileged that they have allowed me to live here and I have been paying rent for 10 years. I cannot buy my own house anymore because any chance I had of saving up for a deposit has gone well out the window, but as long as I go through this ceremony and submit myself humbly to the Royal Court then they can give me a certificate which says that I can stand for election, which of course is the zenith of my aspiration because there cannot be anything better than standing for election in Jersey." I mean, look at ourselves talking about this, we think that this is the zenith because that is what people out there who are non-British aspire to do. I think we should just make a decision one way or the other; should you be British, yes or no. If you should be British, that is fine, then you can stand for election if you meet the criteria, otherwise let us just make a decision which is non-discriminatory and say stand for election if you want to. I appeal to my colleagues at Reform, and do not be taken in by any of this nonsense, let us do this properly and let us fight this so that anyone who has been here the requisite length of time can stand for election, make the case, they do not need to pass this nonsense test which has been devised and which is discriminatory and which will not tick all the boxes, even if it does mean that a few people who submit themselves to the process will be able to stand for election. I think that is not the way to do it. Let us do this properly or not do it at all.

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

I thank Deputy Gardiner for lodging this proposition because I recall previous debates that we have had around the British citizenship requirement for standing for election in Jersey and they were quite heated debates, as I think any debate would be when we are talking about people's identity and things that are important to us as individuals, so I understand that there are strong feelings on both sides here. At the time I supported removing the requirement to be a British citizen and I did so, even though I do see both sides of the arguments. My identity as both a British and an Irish citizen, that is very important to me and I do understand the arguments that have been put forward, some of the arguments in the comments from the Council of Ministers about the importance of British citizenship and our allegiance to the Crown. But I see that the other side of the argument is perhaps a far more weighty one. I want to draw Members' attention to some of the data around this area, and this was published in the comments from P.P.C. which the Diversity Forum - as one of the subcommittees of P.P.C. - have contributed to those comments. For clarity they were not unanimously approved by the Assembly, there were some detractors given the perhaps difficult nature of this debate, but the majority of the Diversity Forum did approve the comments. We looked at some data which was

drawn out by the States Greffe in a ComRes survey I think in 2018. In that survey it found that 64 per cent of people born in Jersey who were surveyed said that they were very or fairly interested in politics in the Island, compared to 75 per cent for people born elsewhere in the British Isles - which surprises me - 67 per cent for people in Poland, 58 per cent for people born in Portugal or Madeira and 60 per cent for people born elsewhere in Europe. So it looks like from those figures that there is a consistently high level of interest in Jersey politics, irrespective of where people come from. But the data in fact shows that there is an enormous disparity in terms of who engages with our political system and goes out to vote. So the percentage of people who recalled voting in the 2018 election by place of birth, so Jersey 57 per cent reported that they voted in the 2018 election, the rest of the British Isles 63 per cent, then it starts falling, Poland 58 per cent of respondents reported that they voted, Portugal and Madeira 37 per cent and the rest of Europe 17 per cent. So although percentage of people voting is just one measure of engagement in our political system I think those figures are quite telling. If we are looking for another measure of who perhaps engages at a different level in terms of standing for election and participating in our Parliament, we do not have much representation in terms of different ethnicities and nationalities. Deputy Gardiner herself is one of the people that provides some diversity and I think we should listen to her today because I hear what is being said by previous speakers, this is not an ideal solution and this would not be my favourite solution, but I think it is possibly the best solution that we are going to reach in this Assembly. Sometimes we do have to compromise because it is clear that we have debated the British citizenship requirement being removed and this Assembly has not accepted that requirement being removed. That is not something that has been approved by this Assembly. So this has been presented by Deputy Gardiner; I think it is a middle way and it is often something that Deputy Gardiner brings and for which I am really grateful for her presence in the Assembly because I think she does bring a great deal of balance and often finds a compromise and a way forward. So even for those who do not think this is an ideal solution - and I myself am one of them - I am going to vote for this and the reason is because the outcome of this will be hugely positive. If we can implement this it will have the effect of, rather than this huge barrier for a person to overcome ... so maybe we can put ourselves in the shoes of a person who is one of those statistics that I have just quoted, perhaps somebody who is in the 58 per cent of people born in Portugal or Madeira who are very interested in local politics, but as we can see only 37 per cent of those people voted. So maybe somebody who is in that group who is interested in politics but has not been engaged in politics, and perhaps they start to become engaged, they see an issue that they are passionate about and they campaign on that issue, they might do some work on a community group, perhaps in the Parish, and they start to become involved in the life of their community and they start contributing to their community. The natural next step for that person might be to serve their community by standing for election and attempting to serve in the Parliament, but at that point that person who was maybe born in Madeira and came to Jersey as a child and may have every other feature the same as me, they might be a similar age to me, they might be the same gender as me, they might have the same level of education. The only difference might be the place that they were born. They at that point have this huge barrier which I will not go into because I think we have all heard those points made about the huge cost of obtaining British citizenship. Now, at that point that person has that huge barrier. If we approve this proposition today there will still be a small hurdle for that person to jump over but it is a lot more achievable. At that decision point - which we have all been through, have we not, of feeling passionate about helping our community and wanting to give something back and to serve our community and stand for election - there is a decision point at which you weigh up whether you should take that step. I do not think British citizenship requirements are the only barrier, I think there are many barriers, but clearly there are barriers there that are stopping people who are born elsewhere but are very much part of Jersey life, stopping them from participating. Personally if I was in that person's shoes I would much rather take a test which was a lower cost, more accessible, where I could demonstrate my commitment to Jersey rather than paying hundreds of pounds and going through similar tests and more to obtain a British

citizenship. I think as a result of approving this proposition it will perhaps not completely remove the barriers but it will reduce the barriers.

[11:30]

That can only make our Parliament better. So I am going to support this proposition because I think it will reduce barriers that competent people - people who we need in the States Assembly - are currently facing to standing for election. We do need them so I hope that even Members who think this is not a perfect solution can vote to support this today. It does not mean that we cannot look again at the British citizenship requirements but let us do this today so that in time for the next election we can open up our Parliament and make it more accessible and more inclusive and ultimately improve our democracy.

#### **2.1.5 Deputy J.A. Martin of St. Helier:**

I do not think this is an imperfect solution; I think it is an absolutely terrible solution. I absolutely had lots more to say and agreed with everything Deputy Tadier said. For Deputy Doublet's information, in my time in the Assembly I think not being non-British to stand for the Assembly, not taking a British citizenship test, allowing non-British subjects to stand for the Assembly, I think once I voted against, once I voted for. The last couple of times I voted for and if it comes back again I will vote for. When I saw this lodged, a test, a test for what? So Deputy Gardiner herself, absolutely great in the Assembly, Deputy Gardiner did not take British citizenship so she could become a politician, it was where she decided she wanted to be. That is what I want people to do if they want to become British by all means, absolutely hats off to them. But if they do not and they have exactly what Deputy Doublet has just described, commitment to our community, been here for many, many years, and you say to them: "You would make a very good States Member, oh, no, you cannot." Then we invent this. I want to talk about the timetable, let us forget everything else that we have got to do for legislation, just make sure we get this in, we can ask people to take a test and that is all okay and then they can stand in the elections in 2022. I am very, very concerned again; things keep coming forward with hardly any financial or manpower at the bottom of them. But really I can proudly say ... and people who might think this is a compromise but did not want people who were not British citizens to stand, oh well, we have now got a Jersey test. It does not travel anywhere, by the way, not like British citizenship. You were American, for example, and you become a British citizen. You have done a Jersey test. It does not go anywhere. I agree with Deputy Tadier. I supported him last time. We do not agree as much as we used to on things, but on this we are one. Do not let this be a copout, please. Do not vote for this. Bring it back, Deputy Tadier. You were one vote out. You have probably changed Deputy Perchard's mind now. She probably wishes she had voted with you. You will change more people's minds as we go on. Please, please, I ask people, do not vote for this, it is an absolute copout.

#### **2.1.6 Senator S.C. Ferguson:**

I would be interested if the proposer would identify any country which allows non-natives resident to become members of the national government. We need to examine the legislation. I understand that you have to acknowledge your primary identity and nationality and very often have a vote in one nationality only. I know my sister, when living in France, could only vote in national elections if she takes up citizenship. You have similar rules in the U.S.A. (United States of America). I am told that you must demonstrate your commitment to the Island, which results from taking up British citizenship. Perhaps the proposer can clarify the legal position for such a suggestion. If she has not consulted the Attorney General about this, could he please comment?

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

I would just like to start by saying thank you to both Deputy Gardiner and Deputy Perchard for 2 absolutely superb speeches. In my almost 3 years in the States I have not heard speeches of such

high quality, compassion and learning. It is not often that we learn from speeches in the States of Jersey, but certainly Deputy Gardiner's had plenty of general knowledge lessons that will help us all. It is worth speaking about some of the problems that have been identified by some of the previous speakers. Two which stood out were Deputy Tadier and Deputy Southern talking about discrimination. Deputy Southern was very honest in telling us how he was struggling to know which way to go. I understand his discrimination there. I found it curious that Deputy Tadier referred to the fact that he lost by one vote with regard to his amended proposition, as amended by Senator Gorst, which was an incredibly discriminatory amendment. I find it curious that Deputy Tadier should be promoting that as a non-discriminatory way forward. I remember saying at the time, Senator Gorst's amendment would have allowed someone from Pakistan, because that is a member of the Commonwealth, to stand in the States, while not allowing someone from Iceland to stand in the States. So there, straightaway, you had discrimination taking place. There is no world in which that amendment was non-discriminatory. I do believe that unamended, the proposition brought by Deputy Tadier stood no chance of getting through. I definitely want to speak in support of this proposition. It addresses a number of issues. It is a middle way. In many ways I am speaking to Deputy Southern here, it is difficult sometimes to accept that in order to achieve our principles or what we see as our principal way forward, you have to sometimes take a smaller step, which means you do not immediately reach the principle you are aiming for, but it is a step closer. In that respect, this proposition speaks to that. Yes, as Deputy Southern was saying, there is a kind of lesser discrimination; but the word "lesser" is the important part there. The current rule we have about British citizenship is discriminatory to anybody who (a) does not wish to take British citizenship for their own personal reasons or (b) is unable to take British citizenship without relinquishing their existing citizenship, because there are countries in this world which do not allow dual citizenship. That is a huge thing to ask. If someone born in Jersey is a British citizen and then happens to end up living in another country, if they wanted to take part in that country's political process, but were told the only way you could do that is by gaining the new country's citizenship at the expense of your British citizenship, we can all imagine that that would be something we would have to think long and hard about, because it would be very difficult to regain the citizenship that you have lost. We are in the situation at the moment where we are asking people to make that decision. Whereas Deputy Gardiner's proposition is definitely a way forward and means that Islanders who are not British citizens would be able to stand in the States. From that perspective it is very practical and a practical way forward. People will not be surprised by this from my perspective, and again I referred to it in that original debate a year or so ago, I believe, just going off memory, I said something along the lines of ideally we would not expect people to be British citizens, we would expect people to take a Jersey citizenship. However, as Jersey is not a sovereign nation that is not a possibility. What Deputy Gardiner has come up with is quite an ingenious way around that problem of Jersey not being a sovereign nation. On top of the ingenious way around that problem, there is also that sense of this proposition allowing us to start to build the story that is Jersey. We have to remember and have to look at the fact that since the early 1990s, when we had a population of about 80,000, our population has grown by about 40 per cent since then, and most of those people who have moved to Jersey in the last 30 years are from Britain and are British citizens. However, there are plenty who are not from Britain and are not British citizens. They are coming to an Island that has undergone enormous change in 30 years and it is, in my view, losing sight of its own story. We have heard many times in this Chamber people talking about how we are losing our sense of identity in Jersey. We are being run like a U.K. council. The U.K. just wants to make us the same as the U.K. This proposition before us helps us move against that momentum and that force. It helps us again being to re-establish a Jersey story and an understanding of Jersey's heritage and where Jersey has been. Jersey's history is hundreds of thousands of years old. Jersey's history is more than farming families. It is so much more than this. Yet we know so little about it, both as people from Jersey and, even less in general, people who are new to Jersey. It is time that we start being proud and confident in our identity as an Island and understand the story that we have that has brought us here today. It is not a U.K. story. It

is not a story of the kings and queens of England. It is a story unique to Jersey. This proposition highlights that and puts that story front and centre. It is one that I really hope Assembly Members can understand and can see as a positive if Jersey is to move forward as an autonomous state rather than just a carbon copy of parts of the U.K., which is where I fear we are headed if we do not start to take pride in our own Island's history and our own story. I note the Deputy of Grouville is asking to speak after me. I have no idea what she is going to say, but I do know that her work on the Island identity, I believe, speaks to exactly that sense of pride and understanding of Jersey's history and the story that has brought us to where we are. As Deputy Perchard said, the fact that this proposition has been brought by Deputy Gardiner, someone who has chosen Jersey for her home and has done more than that, she has chosen to immerse herself in Jersey and help shape its future, but based on an understanding partly of its past. For that, I can only commend Deputy Gardiner. I hope States Members really do take this opportunity to minimise the discrimination that is existing in our current laws with regard to be eligible for States membership and, in so doing, helping to diversify eligibility in States membership, as Deputy Doublet so rightly said. Also, take this opportunity to put a marker down and just say we are proud of Jersey and we are proud of its unique story. We are writing history every day and that history is based on the story and the history that has gone before us. We want to embrace that. We want people who are new to this Island to learn about that, to understand it and then be in an even stronger position to help shape our Island's future and help write the new pages of the story, which is yet to come. So I will be supporting this very proudly. I am delighted Deputy Gardiner has brought this proposition.

[11:45]

I hope other States Members will do as well, whether it is because it is a middle way or whether it is because they want to see Jersey and all Islanders having a greater understanding of Jersey and being proud of Jersey or whether it is a mixture of both. This has a great deal of merit.

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

The sentiment behind this proposition is very earnest. It is very important in encouraging people who live, work and choose to make the Island their home, to feel included and give a sense of belonging in this community. That is to be applauded. Probably one of the greatest barriers is education and knowledge, not only of our young, but anyone who makes Jersey their home. There has been some work that has been undertaken over many years in this area, mainly thanks to the Greffier and the Deputy Greffier, who have conducted tours and teaching in our States Assembly to school years 5 and 6 and who have organised the C.P.A. (Commonwealth Parliamentary Association) Youth Assembly for about 20 years now. There is so much more to be done. As Deputy Gardiner knows, this is something that has been recognised and recommended in the draft Island identity report, that far more effort has to be put into educating our young, front-facing staff, people who represent the Island overseas, workers in finance, sports people and indeed anyone who holds a Jersey social security card. In that, I mean Jersey people who have been born and raised in the Island. We could all do with taking this test that is being recommended. I think it would be good for everybody. That surely would make a good start to help everyone feel included and to celebrate being a Jersey citizen, make it mean something, and a lot more can be done in this area. I totally agree with Deputy Gardiner so far. Nationality, however, is different. It is different to being a resident or a citizen and it is layered with complexity. Jersey as a jurisdiction is complex. We fit all of these descriptions. We are dependant, some authority but still part of a parent country, we are a Crown Dependency and we are not quite the sovereign state. Language is very important. How we refer to ourselves as a small nation is important. Legally speaking, being naturalised in Jersey means becoming a British citizen. Yet, many Jersey residents are not British nationals. E.U. (European Union) nationals, for example, may still hold a passport of their own origin nations, despite having lived in Jersey for many years. Deputy Gardiner seems to be amalgamating the 2 for the purpose of standing for election. We do not stop anyone applying for British nationality. I was one of the dissenters that Deputy Doublet

referred to on the Diversity Forum because I felt we are not putting the barriers, we do not stop anybody applying for British nationality. We do not make anyone give up their own nationality. They can apply for dual nationality. What we are not here to do is to make up for the shortcomings in jurisdictions who put up their own barriers. Standing for our States Assembly is standing in national elections, not municipal elections. Therefore, there needs to be a nationality by those standing and in common with virtually every other country.

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

I have to say, rarely have I felt so personally under threat as during Deputy Tadier's speech, when he suggested bringing in a maths test. I got distinctly worried at that stage. Fortunately, we are not debating that topic. You could be forgiven for thinking that this is merely a watered-down version of Reform's earlier proposition, that you should not have to hold a British passport or to be a British citizen to sit in the States, to put it in a sort of soft brink parlance, citizenship light. It embodies an important change in perception. Under the Reform proposition, it was very much come one, come all, we are all citizens of the world, it really does not matter what you know or feel about the Island, everyone is welcome to stand. This brings with it a reality that, yes, it does matter that you feel an identity with the Island and in order to prove it you must do this test. That is an interesting one, because what this one is saying is that you do think there is something wrong with the system. It would be a bit like if we had a male only club, only men can join. Then you decide that is wrong, we should allow women to join. But we vote that down. We vote that women cannot join. Then we come back with something a little different: women can join, as long as they pass this test. So even if you think you should not have to be a British citizen, surely this is not the way to go about it. As I said, this is a big change. With it, the question still remains: why would you not make the step to become a British citizen, if you wish to represent the Island and its people? I know we are Jersey, but as an Island people we have also been considered British for centuries. This is about commitment. It is 100 per cent about commitment. Once people have made that commitment, they will be tasked with deciding on the laws and the policies for the Island and its future: housing, airports, roads, harbours, hospitals, immigration policies and, dare I say, skateparks. Why would you wish to run an Island, a country or even a golf club if you are not a member of that body, if you are not an integral part of that body? If you wish to use the library, you become a member. You do not merely go in and take over the library and say: "I am going to take these books." You have to become a member. It is all about commitment. Let us look at another form of commitment. Let us look at marriage. I know marriage is now outdated and people may not wish to make that commitment and if they do not make that commitment they could take the Reform option - if we are looking at it from this context - and not get married. Live together, make no commitment and just carry on as normal. But if you do make that commitment, I was looking at the wedding vows, and it is many years since I took mine, but they go something like this: "I take thee to be my wedded wife/husband, to have and to hold from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, until death us do part." Pretty strong stuff, pretty solid intent there of a commitment to that person that you are intending to commit yourself, spend the rest of your life with. If we put it in the new Jersey citizenship test wedding vows, how would that then sound if you put: "I take thee to be my wedded wife/husband, to have and to hold, from this day forward, for better, for richer, in health, to tolerate and put up with until I decide otherwise"? There is not the commitment there, is there? There is a vow of sorts, but there is not that 100 per cent, heartfelt commitment. That is surely what you have to look for if you are going to sit in this Assembly and try - often fail - but try to make the correct decisions and steer the Island on the correct path. In closing, this reminds me of a conversation with a Scottish friend of mine when I was in university at Glasgow. Anybody familiar with Glasgow will know that there is a famous football match called the Old Firm Game, between Celtic and Rangers. If anyone has a chance to go and watch it, I would advise them to do so. It is not for the fainthearted. It is like a sporting version of a war. It really is quite shocking. I asked this chap on the morning of a game: "What about the people who are neutral

in all this, who do not care about Celtic or Rangers? How do you view them?" He looked at me rather puzzled and then he said: "You are either with us or you are against us." That is the same here. You either want to fully commit to the Island or you do not.

#### **2.1.10 Deputy M.R. Higgins:**

The question we need to ask is: what is the problem that the Deputy is trying to address? Is it who can stand for the States Assembly or is it trying to address the low interest some Island residents have in politics or in voting in elections? The table that was provided in the comments paper shows that 57 per cent of people who were born in Jersey voted in the election, 63 per cent from the rest of the British Isles. Of our Polish community, 58 voted; 37 per cent from Portugal and Madeira; and the rest of Europe, 17 per cent. I would like to know what is the direct evidence to show, for example, that people are not voting or are interested in politics, because no one from their country of birth is a Member of the States? I am not aware of any such evidence and I do not believe there is any. Most people are not interested in politics, either because they are too busy trying to provide for their families, perhaps working every hour possible to earn enough money to meet their needs, or because they think their votes do not count, that whoever is elected is going to do whatever they want and not really listen to their concerns. We have a problem with election turnout in St. Helier. Why? I know that many of the people who are here are living in central St. Helier in bedsits or very small, cramped accommodation. They think that the States do not listen. I do not believe that the problem of voter turnout or of interest in politics is down to whether a person is of British nationality or any other nationality. There is no proof that this is their reason for their not taking an interest or voting. I am British and I am proud of the fact. I make no bones about that. I look around the world and think that, yes, despite our faults, I am proud of what we do in Britain and the values that we uphold. Equally, I have been a resident of Jersey and have lived in Jersey for 43 years. I consider it my home. I like much of what is here in Jersey. That is the reason I stayed and why my family was brought up here. We have our faults and, yes, as a Member of the States, I am highly critical of many of the things that our Government does or does not do and so on. That does not mean to say that I am not proud of being an Island resident or that I am not proud of being British. Where this proposition falls down is we need to look again at what goes on elsewhere. We have said we are discriminating because those who are not British cannot become a Member of the States. As Senator Ferguson raises as well, can any Member tell me of any other country that allows non-citizens to stand for election to the national Parliaments? Does, for example, Israel? We have the problem with the West Bank Arabs, the ones who were displaced after the various wars in 1948 and 1967. Can they vote in Israeli elections? I do not think so. For example, Poland, do they allow non-citizens to stand for election?

[12:00]

I do not believe that is the case, or Portugal or Madeira. I would also ask the question too: do they allow lower standards rather than citizenship to allow people to stand in their National Assemblies? I do not think so. I may be proved wrong. If countries do allow, for example, British citizens or Jersey men to stand in their elections, then I have no problem with giving reciprocal arrangements for their citizens to do so in our elections? What it comes down to is: what are we trying to achieve? What is the evidence for it? What is the evidence for reciprocity? I shall leave it at that.

#### **2.1.11 Senator S.W. Pallett:**

I cannot believe it, but it was 16 years ago when I first stood for election in St. Brelade, both as a Deputy and as a Constable. I was well beaten on both occasions. It left some scars, to say the least. However, one of the things that was said to me and rumours that were thrown at me when I was knocking on doors, especially in the 2005 election, was I was not born in Jersey, which I found quite strange. It is one of a number of potentially discriminatory views that some judge a candidate's validity on. To this day, I cannot understand why people think that that is a necessity. I will remove

being Jersey-born from anything I do in the future with regards to being a candidate, because you should be judged on your ability, not the fact that you were born in the Island. As much as I think we have a diverse community, I still think this is a still a deep-seated problem, with some nationalistic ideas in Jersey that work against this Assembly being as diverse and as representative as it should be. Many want representatives not only to be a British national but, as I said, Jersey born, have the right surname - that was another thing that was brought up with me - and have gone to the right school. I am sorry, that has to change. However, like most things in the Island, we have to change incrementally. For me, this is a step in the right direction. It does not go as far as some people want to go, but for me it is a step in the right direction. It lowers the bar. Frankly, if Deputy Tadier brought forward a proposition to lower that bar or remove it then I would support it. This Assembly should be open to all, not just the chosen few. However, to change attitudes often takes time. We need to educate and inform more widely why we should be more open to those who can be elected to our Assembly. Deputy Ash, I do love his sports analogies. I am not sure where they are going sometimes. He went on quite a bit about being members of various organisations or golf clubs. In my view, however, you do not have to be a member of a golf club to play golf; in the same way that you do not have to be a British national to be part of our Assembly. I am in a camp that believe that the electorate will decide whether a candidate is suitable, is in possession of the necessary skills and is someone they believe will represent them. We, all of us, have to support and promote candidates who represent all of our diverse community, irrespective of age, background, nationality, ethnicity or religion. That is something that we promote as one of our major principles within Progress Jersey. I will support this proposition. I will support any proposition that removes discrimination. I will leave it there, but that is my view. We need to support this proposition. It does not go as far as many would like it to go, but it is, for me, a step in the right direction.

#### **2.1.12 Senator S.Y. Mézec:**

I am pleased to follow Senator Pallet, who made some very good points and I agree with much of what he just said. I am going to speak honestly about how I feel about this proposition. I will probably use stronger language than has been used thus far. I am going to say it how I see it. It is that this proposition if it did not have a context would be a disgrace. It is promoting discrimination. That is what this proposition does, pure and simple. It says: if you are from these territories, your loyalty is taken for granted, but if you are from these territories you are treated with suspicion, your loyalty is presumed against and you must go through a humiliating North Korean style ritual to prove otherwise. That disgusts me. I have used an example several times before, which Members will be fed up of, but I will keep using this example because it makes the point, which is that under our current rules you can come to Jersey from Pitcairn Island on the other side of the world that has nothing in common with Jersey, apart from the fact that if you were born there you are granted British citizenship automatically, you can come to Jersey, you can kick your feet up for 2 years, do nothing, make no effort to integrate, not be involved in anything at all and you are allowed to run for election to this States Assembly. Yet, if you came from Madeira when you were a few months old, brought over with your parents, schooled in Jersey, speak perfect English, was educated here, have worked here, served your community, served in the Honorary Police and all the rest of it, you are not allowed to run for election. That is discrimination pure and simple. Those who support that rule ought to just be clear and say that they support discrimination in this instance. I know that it is not a fashionable thing to say that you are in favour of discrimination, but if that is what it is then let us just be clear about that debate: we can either have a discriminatory system or not have a discriminatory system. The straws that are clutched at to justify these rules really are ridiculous. I am sorry to my good friend and colleague, Deputy Higgins, who asked a ridiculous question in his speech about what other countries do and where else would allow this sort of thing. I give him this very simple advice: get in his car, drive to St. Ouen and you will be able to see one of those place, just on the horizon, it is called Guernsey. I believe the other Channel Islands have the same rules as well, where there is no citizenship requirement. The only requirement you have to satisfy to be able to serve the public is to

have the support of the public through the ballot box at an election. That is how it should be, offering the people the opportunity and not depriving them of that for these frankly bizarre reasons. The Council of Ministers comments make another ridiculous point in here, where they distinguish between British citizenship and the “Life in Jersey” test, saying that British citizens owe their allegiance to the head of state and not to any individual country or territory which forms part of the British family. Firstly, that is not true in itself. There are millions of people within the British family who do not particularly have any allegiance to the head of state or to that system that created a constitutional monarchy in the U.K. They have their citizenship for no reason other than that they happen to be born in the U.K. or British territory, were simply given that citizenship because the rules say they have it, not because they asked for it, not because they applied for it and not because they do in their heart have any sort of allegiance to that system. If this was about an allegiance to the head of state then why do we not let citizens from the Commonwealth realms run for election in Jersey? Why do we not have New Zealand citizens allowed to run, because it is the same head of state there? Why not Jamaican citizens? Why not citizens of Tuvalu? They do not count, apparently, even though this is about allegiance to the head of state. These reasons are ridiculous. Your loyalty or your love for your home is not determined by what document you do or do not have. We can say as much as we like: “Oh, there is no problem getting British citizenship, if they want to run for election they can just do that.” Ignoring the fact that it costs £1,000. Most people do not have that sort of money lying about to do something which does not change anything in their hearts and does not provide them any other rights, if they already have their housing qualifications or right to work. Spending £1,000 on that puts them at an automatic disadvantage; it makes it harder for people from our minority communities to serve this Assembly. I disagree with what Deputy Perchard said in her speech about Deputy Gardiner representing many of those people. It is axiomatic that she cannot, because she was one of those who were able to afford to do that process and this is meant to be about people who cannot afford to do that process. So I do not agree with that either. In closing, despite my harsh words about this proposition, I said that this proposition without a context would be a disgrace, but of course it does have a context. It comes in the context of us trying to chip away at discrimination in this Assembly and having no luck at it and rules being strengthened to make this club we are privileged to sit in even more exclusive, when we ought to be doing the opposite. I can justify voting in favour of this proposition for one reason and one reason only, which is that even though it is discriminatory, even though it goes against my principles and what I would like to see, it will provide a slightly easier route into this Assembly than what currently exists for people of other nationalities, which I think the Island would benefit from. With a few more of those people in here, working with other Members, winning hearts and minds and changing views, then perhaps that would be a step to getting rid of these discriminatory rules and have a proper electoral system where the people of Jersey decided who represents them without regard to these weird obsessions with documents and spending £1,000 to acquire them. I will vote in favour of this proposition, but these constant debates where discrimination is justified does absolutely nothing for our community and does not show us in a positive light.

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

I thank Senator Mézec for the speech he just made. This is a really difficult one to look at. The simple truth is that we are discussing this because of an inadequacy in what has gone previously. To me, right from the beginning, I would say that it is simple to me: if you commit to Jersey by taking up residency, you go through all the qualification processes, perhaps you tried to buy somewhere to live or you pay ridiculous amounts of rent and you commit to working and paying your tax and bringing your children up here and the commitment that goes to that, then you should be able to stand for election. Ultimately, the ultimate arbiter of whether you are suitable for this role or not is the electorate. If you make your case and if you campaign well and if you stand on clear policies, hopefully you will be elected and you will be able to instigate those policies. I have, however, problems with this proposition in a similar way. First of all, the very notion that the Council of

Ministers will develop a “Life in Jersey” test is concerning to me. You “pays your money and you takes your choice” as to what a “Life in Jersey” test will look like. To me, everybody should be able to quote the first 20 elements of the periodic table, but that is just a personal wish that I would like to see, perhaps even the first 30. So that everybody knows a little bit of chemistry as they move through life. That is a bias on my part. That is not a sensible thing to put into a residency test, however. Perhaps this test should include an explanation of the residency laws, because that is always an interesting conversation when you have visitors over from the U.K. I am an immigrant. I have been here for 20 years or so, our children grew up here, but I remain an immigrant. I am not Jersey born. However, I feel I have made a huge commitment to Jersey from day one when I arrived, when we sold up in the U.K. and came over here. It is a huge step to make. I worked in the teaching profession here for 20 years.

[12:15]

I would not want to have to take a test in order to prove some sort of strange allegiance to the place that I am committing to. It worries me as well what would this test look like. Would it reflect all sections of our society? Will one of the questions be the best route for a hybrid 4 by 4 for the nanny to take the children to school? Or will it be, I will give you an example, Terry has just found himself a job after being on social security having lost his previous job. He immediately informs Social Security that he is to start work on 1st February, who, by the rules of Social Security, immediately stop his benefit, because they do not want to have an overpayment. Therefore, Terry has no means of income for the next month and cannot pay his rent or feed his family. Perhaps the question is: “Please mark on the map the nearest foodbanks for Terry to attend so that he can survive for a month.” Is that going to be the type of question that is needed? That is the sort of issue that we are dealing with day in day out as States Members and without an understanding of that should you qualify as a States Member? Perhaps it should be something about a wider understanding of the world, perhaps identify capital cities, such as the difference between Budapest and Bucharest; that might be useful for States Members. What is the price of a litre of milk? That is a really good question, because that is the very basics of our life here; the basic cost of living. What is the average rent on the Island? What are your tenancy rights when you take somewhere to live from a landlord who you will never see, because they do not even live on the Island? Where is the best place to gather sloes in the autumn? That is a good Jersey question and something I would be very interested to know about. I will say, as well, that perhaps I was little hard on Senator Pallett earlier, because I was a bit annoyed by what I called a waste of time, but he made some very good points when he spoke. This notion of whether you were born here, what your background is, comes up so often that we need to move away from it. To me, we failed as an Assembly before when we did not lift the British citizenship need. What do we do now? I understand the concerns with this proposition. I understand how it is interpreted as discriminatory. Senator Mézec explained it very, very well. If you are from one area you have to take a test because you are not trusted. I would say to Deputy Ash, these simplified, populist notions that you have of in-grouping and out-grouping of football teams, your golf club or whatever else, it does not help the debate. Indeed, it is part of the problem. It is a classic example of the unconscious bias that people are encountering when they come to this topic. What do we do today? Do we say: “Well, this should not exist, you should not need this.”? That gets us nowhere. If we do not say that we will accept this small step, however inadequate it may be, then we end up in the position where we are now, which is hugely discriminatory. It means that some good, committed people on this Island cannot stand for election. Then the electorate does not have the sort of choice it wants. I say that, because one of the most important things for governance that comes through from anything that you read, anything that you look at, anything you encounter in terms of politics and representation, is that the Government that we have must be representative of the population it stands to speak for. We are not. Until we address that issue, we will never get there. One of the ways to do that is to perhaps take this small step. So, yes, I do also have to hold my nose if I was to vote for this, because there are serious problems with it, particularly the oath. I do not know what

the oath will consist of, and the very fact that we are asking some sections of the population to prove themselves more than others. There is an issue in our society for many, many groups who have to be better than the average in order to be noticed. I abhor that. I do not want to see that happening. So what do we do? This will be a small step, but hopefully it will increase our diversity and then perhaps we can come back to this and make a genuine decision about the way in which we elect people on this Island and remove the barriers that are false barriers. Can I say one more thing? Deputy Higgins, you used the word “reciprocity”. I would like to compliment you on using that word. There is an example of reciprocity in Papua New Guinea. There is a great documentary called “Ongka’s Big Moka”. What Ongka does and the way he becomes a big man in that society is to give away everything he owns, to leave himself with nothing. The notion of reciprocity in their society means he will gain more back through his giving. That is what we have to do as an Assembly. We have to make steps, not looking at other societies and say: “They are inadequate; we will be inadequate too.” We have to make that step. This is a tiny little step on the way. I do not think it is perfect. I think it is far from perfect, but I may well be holding my nose and voting for this.

**The Bailiff:**

Thank you, Deputy. Deputy Tadier, do you have a question for the Attorney General?

**Deputy M. Tadier:**

Yes, thank you, Sir. The question to the Attorney General really regards part (d) of the proposition. Can he confirm that if this is voted for today, it will be necessary for a change in the law to be made to remove the British nationality requirement as it currently stands in the law?

**The Bailiff:**

Are you able to advise on that immediately, Mr Attorney, or would you like a little time? There are at least 2 more Members wishing to speak.

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

I believe I can answer that question now. Deputy Tadier is correct in that it will require an amendment to the States of Jersey Law and the Connétables Law. In terms of whether it requires a removal of the requirement to be a British citizenship, I am not sure as it has to go that far. It may be that an amendment can be made so that passing the “Life in Jersey” test is an alternative to the British citizen requirement, so that there are 2 avenues to election for the States. I hope that answers the Deputy’s question.

**The Bailiff:**

Thank you very much.

**Deputy M. Tadier:**

Could I ask a supplementary? That is helpful to start. Could the Attorney General give an indication of what the likely wording is? Would it, for example, be that to be eligible you must either be a British citizen or not be a British citizen but have passed the nationality test, as prescribed by the Council of Ministers?

**The Attorney General:**

Obviously the detailed drafting would be a matter for the law drafting office. In principle what the Deputy suggests sounds as though that would be the correct principles to follow in compiling that amendment to those laws.

**Deputy M. Tadier:**

Given that the States are quite high for this, for example, many people would be doing the test specifically and only in order to become a candidate in an election where they would not otherwise

be able to do that, is there likely to be an appeal process on the results of the test? For example, somebody who thinks that they should have passed the test or that their answer was not interpreted properly. Is there likely to be any kind of appeal mechanism for somebody who fails the test and therefore fails to be a candidate, perhaps only weeks before an election?

**The Attorney General:**

That is a matter I have not considered. That would be a matter for detailed law drafting instructions. I am not sure that I can provide an answer on that immediately. Certainly thought would need to be given to whether there should be an appeal mechanism in relation to someone who has failed that test.

**2.1.14 The Connétable of St. Brelade:**

Like others, I applaud Deputy Gardiner for bringing this proposition. I do not want to repeat the content of some of the excellent speeches made so far, but would wish to comment that in my endeavours to recruit for the Honorary Police, applications are often made by non-British born individuals, men and women from diverse backgrounds and, if elected, they prove to be excellent members of our team. They are committed. I see it as a way of integrating into the community, learning our ways and aspiring to further Island involvement. I do not believe I have seen reference in Deputy Gardiner's report to any communication with the Lieutenant Governor's office. My understanding is that they manage the process through which people have to go to become British citizens. I feel they would have a contribution to make. It is regrettable that the Lieutenant Governor is prevented from contributing to the debate. Many of us have what I might describe as a hybrid family background and that makes us what we are. My father was British. My mother was Belgian, but naturalised British. I was born in St. Brelade. I leave others to take a view on my diverse background, but I expect to contribute to my community, as indeed my parents did as immigrants to the Island soon after the last war. In conclusion, I fully support parts (a) and (b) of the proposition, but for similar reasons rehearsed by others, struggle with parts (c) and (d). I therefore ask that the proposer requests that the vote be taken in 4 parts.

**2.1.15 Deputy J.M. Maçon of St. Saviour:**

I thank Deputy Gardiner for bringing forward this proposition, because it has been quite thought-provoking. Often in Deputy Gardiner's speeches in the States, she asks questions of the proposer and makes up her mind on those. Like Members have said, I do have a few questions for Deputy Gardiner, which I do not think are solved in her report. The first question, which I think has already been touched on, is: what consultation or communication has she had with the Privileges and Procedures Committee over the changes to the Public Elections Law, which would need to be incorporated? Given that her proposition asks for the new test to be produced by October 2021, can I ask, because I am not aware, what consultation or communication has she had with the Department of Education in order to put this test together? Also, what process would there be to validate that? Also, whether it requires any legal structure behind that in order to achieve that? As Members will be aware, there is a significant work programme in-train from the Department of Education, across all sections of the department. In her report, the Deputy says: "Departmental budgets can cover this." The report does not even talk about the manpower aspect. I wonder if the Deputy could be a bit more specific. In her report she says: "... which can be absorbed from departmental budgets." As far as I am aware, Education has not been contacted and which departmental budget is the Deputy talking about, because we just do not have that clarity? I would like the Deputy to answer those questions in order to assist the Assembly.

**2.1.16 Senator J.A.N. Le Fondré:**

I wanted to mainly address parts (c) and (d), to reinforce a number of comments which have been made already. I really just want to emphasise that no matter what our views are, I am going back

over comments that were made in the past as well, and no matter what the public think of us, representing the Island in this Assembly is an honour. We know it is also hard work. That is not denigrating anybody who might want to be coming in along those lines. We also know that the public outside do not properly know or have an understanding of what exactly we do. That is irrespective of our different political views. For me, it is also because of the importance of the decisions we do take, there is a high level of responsibility that surrounds that. For me, that is why parts (c) and (d), taking on British citizenship, if people want to represent the Island, who are not normally naturalised citizens, if that is the right expression, that does show the commitment that they want to take because it is a higher level of representation. Really, again, like many others, I do not support diluting that particular position. It has been said before, but we need to be reminded, if you click on certain significant other countries, like France, a candidate must have French citizenship.

[12:30]

In Ireland, candidates, if they want to become part of the T.D. (Teachta Dála) must be an Irish citizen. In Australia, a House of Representative must be an Australian citizen. The U.S. requires a member of the House to be at least 25 years old and to have been a U.S. citizen for at least 7 years. That is just some information we were given last time around when we had a similar debate. For me, that means there is recognition generally in jurisdictions, not across the board, but in many jurisdictions, that to represent the people of the state, the island or the nation you are in, to be in the Assembly and the Parliament you should be a citizen of that country. In our case, that means being a British citizen. As a British Crown Dependency, it is incredibly important that Members who are representing Islanders in this Assembly should be British citizens. That should not be a diluted position. I really emphasise that that should not divert away from the fact that we have a very diverse and rich community; it is fantastic for the Island, but that is the position that the constitution traditionally has and that is why that should be maintained. To reiterate also the comments that we had on the end of our comments to Deputy Gardiner's proposition, which was around enhancing the understanding of the Jersey Island identity, we think can be achieved through the existing programmes at work, but including on the piece of work on Island identity, being led by the Deputy of Grouville, and that is very much probably better being encouraged as a community-based process. However, if the Assembly want us to do that side, we can obviously work on it further. Very particularly, for me, part (c) and (d), I will not be supporting any of the proposition there. Parts (c) and (d) are the ones that for me are the critical ones. I do strongly believe that Members of this Assembly should have taken the British citizenship requirements as required. On that basis, I will not be supporting the proposition.

**The Bailiff:**

Thank you very much, Chief Minister. Does any other Member wish to speak on the proposition? No other Member wishes to speak on the proposition.

**2.1.17 Deputy C.S. Alves of St. Helier:**

I do not want to go over what anyone else has said. Some really good points have been made. I have struggled with this, in the same way that my Reform Jersey colleagues have already communicated to Members. I did want to bring up a couple of points. The point that Senator Pallett made in reference to the importance that some people place on people's surnames, now I count myself very lucky that I was born here. I am extremely proud to have been born here, and I always promote the Island whenever I can, but I have been faced with situations similar to what Senator Pallett described. It was extremely difficult for me to stand up for myself sometimes in those situations, especially when I was younger, because I think it is completely wrong to be judged on your surname and that should not happen. I should not have to prove myself that I am worthy of being here or that I am capable just because my surname is not an English surname. The reason I struggle with this is because it is a compromise, it is not ideal, and that has been brought up numerous times during this

debate. Another point I would like to make is that do we ask the participants of the Youth Assembly whether they hold a passport? Now I asked the Greffier this question and, no, we do not. So why do we not? Well, it is my view that we do not do that because we want to nurture and encourage their interest in politics and because we recognise that they are Jersey residents and that they have every right to take part in the Youth Assembly. If I am honest, I get a little bit angry when we start quoting and looking for comparisons in other countries, especially when it seems to me that some of us only look at other countries when it is convenient to us and we only look at certain countries that are convenient to us. Should we not be striving to do what is in the best interests of the people, what is best practice, not necessarily what other countries do? During this COVID pandemic, for example, we heard that many a time from the Chief Minister himself saying that we should not be comparing ourselves to other countries. Now I think we should be following best practice and ultimately best practice would be to allow anybody to stand for election regardless of whether they were born in Jersey or hold a British passport. On that point, I recently learnt through a couple of constituency cases that if I had been born in the last few years and for whatever reason both of my parents had at some point in the 5 years before I was born unfortunately lost their job and become dependent on income support, for example, regardless of how many years they would have lived on this Island prior to my birth, if at any time in those 5 years before I was born they become dependent on the States, I would not qualify for British citizenship. Now I am sure there are a lot of people out there that are not aware of that, and I think that is shocking because my parents could have been here for years. Again, we have heard examples like those of people who come over when they are very, very young. So I count myself even more lucky that my parents were already settled here, fortunately my father moved over to the U.K. when he was very, very young and that I have British citizenship. So my uneasiness comes about having to do a test because what is there to say that all of us here today would be capable of passing this test and passing it first time. I think the point that Deputy Tadier made that the election is a test is a really good point and I completely agree with that. I think all of us need to be reminded that the only reason we are here is because the electorate voted for us, so are we now saying that we do not trust them? Because I think we have to remember they put us all here, that is what being a democracy is about, the power is in the hands of the public. So, I will be supporting this proposition even though in my eyes it is not ideal; I would like to do away with any kind of citizenship or, like Senator Mézec said, this obsession with having a document. I will be supporting it because it does give more of a chance for more people to come forward and if this can happen for the next election then even better.

**The Bailiff:**

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

**2.1.18 Deputy I. Gardiner:**

I am grateful for all Members for contributing for this debate and I think that the speeches just show how many components it has included. It does include identity, what does it mean to be Jersey, it does include immigrants, and integration and immigration, and it does include legal. One of the words that was used several times is “discrimination” and I will start with addressing discrimination. First of all, I have not created the 2-tier system that we have now, it was a long time before I came to this Assembly. Deputy Tadier used the word “discrimination”, I do not know how many times. I think that the amended proposition that we debated in September was much more discriminatory than we have today because if that proposition was passed, not me, and not many other members of the community would be able to stand because I did not have Commonwealth citizenship and I did not have a European citizenship. I had Israeli citizenship, if I would not take British, but I did take British, thank God. So if we are talking about discrimination, let us be clear and follow our principles. I agree with Members that it is not an easy compromise. Is it compromise? Yes, it is a compromise. Is it discriminatory? Yes, it is a bit discriminatory, it is less, and Members who I discussed this

proposition with - and, by the way, I did not lodge this proposition almost for 3 months - the proposition was written in 2 different forms within 5 days since our last debate. One of the things, and this is for maybe Deputy Southern I can address, that I was certain, it is about equality and not equality, discrimination, because I did accept that the person who was born in Jersey, you have birth right. It is not fair but this is the world; this is the way the world works. You have birth right, the place where you were born. One of the things that I was considering, do we need to go: you were born in Jersey or you come from elsewhere in the world, including from the U.K. I was really considering because it would be more equal than it would be now. At the same time, we do have status quo, we are part of the Crown Dependency, so we are connected to the U.K. and, another point, we do not want to make things worse. A British citizen can stand for the election, now let other people to come on board, not make it narrow, not to put extra barriers, just remove one of the barriers. Deputy Higgins asked for the proof, if we open it, if the people from different communities will stand and be elected, we will have more engagement. I do not have the numbers in front of me but I am sure that I can find and provide. The only thing that I can tell to Deputy Higgins, that I personally receive constituency cases from various Parishes, not necessarily from St. Helier, but they are from immigrant backgrounds where English is the second language. I have no idea why but maybe they feel that they can speak with, not in perfect English, like my English is not perfect, maybe they feel more comfortable, no idea why. It took time and some of the States Members know that I contacted them and I asked. This is what I received, this is your constituents and made the bridge to help build the trust. I know that Deputy Alves received lots of ... her constituency came from the Portuguese community and definitely we do not have enough representation. I will address points from Senator Ferguson and I agree with you. If we would have Jersey citizenship, it is the National Parliament of Jersey, but we do not have Jersey citizenship and this is the reason why I stand and I decided to bring this proposition forward. Deputy Ash mentioned several times in his speech it is about commitment. Yes, it is about commitment and it is really, really, really difficult to test the commitment, to show the commitment and it is about the education. I wish we would be introducing this test or this certificate or this ceremony, I would say 20 years ago, or maybe 30 years ago, because anybody who was born in Jersey, I would see as a vision that this test will come in some sort of form, and ceremony will come in some sort of form to anybody who was born in Jersey.

[12:45]

If you were born in Jersey or came when you were 10, 11, 12 and you have this coming to the age ceremony and it can be used to stand for anything, to stand for the election, so in 20 years' time or maybe in 10 years' time this question it will not be valid because anybody who finished education in Jersey would have this certificate. I am going back to the legal point of view. It is nothing to do with immigration status, it is nothing to do with residential status, it is about a certificate that can be used for various streams. Maybe one day the people who will receive permanent residence will receive a certificate immediately. It is something that we will need to work on, it is the process. It is just to start the process to take this forward. As I said, it is not fair and it will be individual cases that were not fair, but we are here only to make it as fair as possible and to find the solution that the majority of the people can stand behind. I am grateful for Deputy Perchard, Deputy Doublet, Deputy Morel, Senator Pallett, Senator Mézec, Deputy Ward and Deputy Alves because these are not perfect but I am trying to think around out of the box to see how we can connect people, how we can make shared vision, shared identity, 21st century identity. Deputy Maçon asked me about public election, P.P.C. First of all, I did check with the Greffier, I did raise it with Deputy Alves, I think I did have a conversation with Deputy Labey but it was a general conversation before lodging the proposition. I did have a conversation with the Deputy of Grouville and we discussed that the test and ceremony can be used for various integration and connection and identity development. She does make it clear that it is important for her that it will be British citizenship, the test and the ceremony area, about the knowledge and connection is something that she is considering. I did notify the Bailiff to say whatever the Assembly will decide and the Government will decide that the ceremony can be

performed. About the test, I want to make it clear to the States Members, the test exists. I posted the link in the chat and it is part of my report, so anybody from the public can go to the link through the report. The test does exist, the questions exist, but they exist as a part, so you have - I do not remember now - 25 or 30 questions and part of them, like 4 or 5 questions, are around Jersey. It is a technical part as a first step to separate and make a test from already existing questions, already existing materials. It runs between Home Office and Highlands. People call to Highlands to pay their £50, £100, I do not remember exactly the number, but it will not cost ... the people who would like to take the test and go through, they will pay for their test. The test, it is the numbers, multiple choice, and you can take it as many times as you want. You pass, you pass; you do not pass, you do not pass. It is about the knowledge; yes, it is not perfect. The world is not perfect, the world is not fair, but we can do as much as we can to bring it together and we need to start somewhere. We need to start to think out of the box and do the first step out. For the Constable of St. Brelade, I respect your wish, and I will take part (a) and part (b) separate, so part (a) separate, part (b) separate and parts (c) and (d) together because it does need to go together. So, the importance of diversity and inclusion in any Parliament cannot be understated, no more so than in Jersey where the population includes so many varieties of groups. The certificate will allow a wider selection of candidates to stand for election which can be only a benefit. This proposition is aiming to find a way that we get new Members fully capable of showing they have studied and understood the uniqueness and historical significance of this small Island. I ask for the *appel*.

**The Bailiff:**

Deputy, you are asked for a point of clarification by Deputy Tadier. Will you give way for a point of clarification?

**Deputy I. Gardiner:**

Sure.

**Deputy M. Tadier:**

There are 2. So, in her summing-up speech she said that she envisaged that the potential candidate could take the test as many times as they wanted to. Can she clarify how much a test would cost in her mind and whether there is a time limit on being able to re-take the test, or indeed a cost each time that somebody takes a test? Because I can envisage someone maybe ... in fact, that is the question, because otherwise it would be a second speech. The other part, it was raised during the debate about, is she suggesting that we simply copy and paste the test that already exists in the British nationality test, citizenship test? If that is the case, why has she asked the Council of Ministers to bring forward and develop a test? I think those questions were asked in the main debate and they do not seem to have been answered.

**The Bailiff:**

Can you offer clarification of those matters, Deputy Gardiner?

**Deputy I. Gardiner:**

Yes, and I am grateful for Deputy Tadier for raising this with me. It is an option, and I asked the Council of Ministers to develop that Council of Ministers would have this flexibility. So the test exists, you can see the content that is included and it can be enhanced. For example, Deputy Ward suggested including residential laws. I do think that people might need to be tested on various things; it is open. About the time, in my view, when I was writing this proposition, it was similar to how you take the British citizenship test. I have done it from the first time and somebody has done it from the second, somebody has done it from the third. It is like, if you read the material and you look through this, you can pass. The cost of the test, what I remember, it is between £50 to £100 but maybe it has changed because I have done my citizenship test several years ago. Hope it helps.

**The Bailiff:**

Deputy Maçon, you also wish a point of clarification. Will you give way, Deputy Gardiner, for a further point of clarification from Deputy Maçon?

**Deputy I. Gardiner:**

Yes, sure.

**Deputy J.M. Maçon:**

The Deputy responded to 2 of my questions but the third one I did not hear a response to which was about the budgets. In her report she says it can come from budgets but she did not identify where she specifically thought the money would come from. Can she give an indication of how much she thinks that this is going to cost? We did not hear that at all.

**The Bailiff:**

Are you able to clarify that, Deputy Gardiner?

**Deputy I. Gardiner:**

I will try. First of all, when I had the discussion with the Greffe, the changes that need to be brought to the law, it can be done within the budget that we have, so the changes to the law. The ceremony, it is about discussion with the Council of Ministers and there are several similar ceremonies exist and it can be adopted. The same about the test, if we will need extra budget, probably will look, but I am not sure. We have already the Island identity, it is developing, we do have a test that exists. There are some financial implications but I do not think they are much greater than it sounds in the first place. Hope it helps.

**The Bailiff:**

I think, Deputy Gardiner, you have asked for (a) and (b) to be taken separately and then (c) and (d) together?

**Deputy I. Gardiner:**

Yes, please.

**The Bailiff:**

Then I will ask the Greffier to place a voting link into the chat and the vote will be on paragraph (a) of the proposition. I open the voting and I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. So that is 19 votes *pour* and 21 votes *contre* and no abstentions registered in the link. Three votes *pour* and one vote *contre*, that makes it, on my calculation, 22:22. Greffier, do you agree?

**Deputy J.A. Martin:**

I think you are mute, Sir, or my sound has gone.

**The Bailiff:**

No, I am muted at the moment. I am discussing with the Greffier how to deal with this because on a simple calculation it is a tie, which means the proposition is defeated, but it is important we carry out a reconciliation so we ensure that we have all the names correct so we can give a clear result. That will happen over the next minute or 2 and so we will put part (b) to the Assembly for a vote but I am afraid we will not be able to confirm the outcome for part (a) for a minute or 2. In those circumstances, I would therefore ask the Greffier to ...

**Senator L.J. Farnham:**

Does part (b) not fall away if part (a) is not carried?

**The Bailiff:**

Yes, part (b) would fall away. The alternative then is that we simply wait but Members can still vote on it but it will fall away. The vote will be meaningless if (a) is not passed, so probably the right thing to do in these circumstances is simply to wait until we have a result for part (a) before we proceed any further. You have a point of order, Deputy Tadier?

**Deputy M. Tadier:**

No, you have already ruled on that, thank you.

**Senator S.C. Ferguson:**

I do not think I made the vote. I was having trouble finding the ...

**The Bailiff:**

Well if somebody has not voted, I am afraid it is now too late. What we have to do is to identify the votes that we have received so that we are satisfied that we can call the result for that particular part of the proposition with accuracy.

**Deputy G.P. Southern:**

Did you not have an oral vote from the Constable of St. Martin?

**The Bailiff:**

Yes, I counted the oral vote from the Connétable of St. Martin because that was done before we closed the voting formally and that counted; therefore, there were 3 votes outside the link, *pour*, and one vote *contre* outside of the link. That makes it on the surface 22:22.

**Senator S.C. Ferguson:**

Mine would have been ...

[13:00]

**The Bailiff:**

No, I am sorry, Senator, we cannot hear what your vote would have been because you did not record a vote and we are still calculating the votes.

**Senator S.C. Ferguson:**

I was just hoping to help the reconciliation.

**The Bailiff:**

Well you cannot say what your vote would have been if you have not voted, so that will not assist our reconciliation, I am afraid. Very well, the vote is called now at 22:22, it is a tie, and therefore the proposition falls because it requires a majority to pass.

<b>POUR: 22</b>		<b>CONTRE: 22</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Senator J.A.N. Le Fondré		
Senator S.Y. Mézec		Connétable of St. John		
Connétable of St. Helier		Connétable of Trinity		
Connétable of St. Saviour		Connétable of St. Ouen		
Connétable of St. Brelade		Deputy J.A. Martin (H)		
Connétable of Grouville		Deputy of Grouville		

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

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

Those voting *pour* in the link were: Deputy of St. Martin, Deputy Alves, Deputy Gardiner, Deputy Perchard, Deputy Pamplin, Deputy Doublet, the Constable of Grouville, Senator Vallois, Deputy Ward, Constable of St. Helier, Constable of St. Brelade, Constable of St. Saviour, Deputy Truscott, Deputy Southern, Senator Pallett, Senator Mézec, Senator Moore, the Constable of St. Peter and the Deputy of St. John. In the chat we also have the Deputy of St. Mary, Deputy Morel and the Constable of St. Martin voted orally. Those voting *contre* were: the Deputy of St. Peter, Deputy Le Hegarat, Senator Gorst, Deputy Wickenden, Deputy Higgins, Deputy Ahier, Deputy Pinel, Deputy Tadier, Deputy Martin, Deputy Lewis, Deputy Guida, Senator Le Fondré, Deputy Young, Constable of Trinity, Senator Farnham, Deputy Maçon, Deputy of Grouville, the Constable of St. John, Deputy of St. Ouen, Deputy Labey, the Constable of St. Ouen and in addition to that there was Deputy Ash.

### **The Bailiff:**

In that case (a) falling away, (b), (c) and (d) also fall away and that concludes the debate on this proposition.

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **3. Appointment of members of the Corporate Services Scrutiny Panel**

#### **The Bailiff:**

Although it is past the time when normally we would adjourn, I did indicate that there will be a possibility for Senator Moore to add members to the Corporate Services Panel. Do you wish to deal with that now, Senator, very quickly?

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

Yes, please.

#### **The Bailiff:**

Who would you propose?

#### **3.1 Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):**

I would like to propose Senators Pallett and Vallois, please.

**The Bailiff:**

Excuse me for not knowing this off the top of my head but that does not take the number above the permitted number within the panel, does it?

**Senator K.L. Moore:**

No, that would take us back to 5 which is how it all appeared originally.

**The Bailiff:**

Are those nominations seconded? **[Seconded]** Are there any other nominations? Very well, if there are no other nominations, then Senators Pallett and Vallois are members of the panel.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Bailiff:**

We now move on to the organisation for future business.

**3. Deputy C.S. Alves (Chair, Privileges and Procedures Committee):**

There have been the following changes to the arrangement of public business from what was listed on the Consolidated Order Paper. The Draft Income Tax Payment of 2019 Liability (Jersey) Regulations, P.9/2021, have been lodged by the Minister for Treasury and Resources and is listed for 23rd March 2021. The Assembly is due to debate the Foreshore Policy and the Migration Control Policy at the next sitting so I anticipate that we will need to sit on Thursday. So with that change I propose the arrangement of public business for future meetings.

**The Bailiff:**

Very well, does any Member wish to comment upon the arrangement of public business before they are approved? Chief Minister.

**3.1 Senator J.A.N. Le Fondré:**

One question for Members is that P.7, which is lodged by me but is effectively a joint proposition in relation to the Board of Governance for the Comptroller and Auditor General. I am not entirely sure the reasons to it, I think there was an administrative blip somewhere in terms of lodging, at the moment it is going to expire on Wednesday, 3rd March and we just heard the chair of P.P.C. and her estimate on the time. It may or may not be an issue, I am not sure what the situation is these days, but I was wondering if the Assembly would just agree to take it either a day early, effectively on the Tuesday; it is the last item of business, I think. Do I need to seek the Assembly's approval at this stage to take it during the next sitting on 2nd March? I think there is a certain standard regarding the timing of the board.

**The Bailiff:**

It already requires the permission of the Assembly to reduce the minimum lodging period. You would have to ask the Assembly for its agreement to do that and you will also presumably wish, as a belt-and-braces exercise, if I may put it that way, to arrange for that to be dealt with early on in the Order Paper so that it is dealt with prior to the expiration. That can be done now or it can be done at the beginning of the next meeting if that is more suitable.

**Senator J.A.N. Le Fondré:**

If I seek permission that is going to suit me now.

**3.1.1 Deputy I. Gardiner:**

Yes, I just would like to support the Chief Minister, as the proposition has not been lodged due to some administration, one day missing, and it is extremely important as a Board of Governance for

the Comptroller and Auditor General of her part on 17th March, so it would be important if we can debate it on 2nd March.

**The Bailiff:**

Chief Minister, you make the proposition that the lodging period is shortened and the matter is debated at the next sitting, yes?

**Senator J.A.N. Le Fondré:**

Yes, Sir.

**The Bailiff:**

Is that seconded? [**Seconded**] Deputy Gardiner has spoken in favour of it. Does any other Member wish to speak? If no other Member wishes to speak on this then could anyone indicate a contrary view, otherwise I will take this as a standing vote approving this particular proposition. Very well, no one has indicated a contrary intention. Accordingly, yes, Chief Minister, the Assembly has, on a standing vote, agreed that this may be taken on the 2nd March sitting. If no other Member wishes to raise any points on future business, I again will operate on the basis of a standing vote unless anyone indicates to the contrary that the chair of P.P.C.'s proposition for future business is accepted by Members. No one has indicated a contrary intention and accordingly, on a standing vote, the arrangements for future business are approved. Accordingly, that brings the business of the Assembly to an end and the States stands adjourned until Tuesday, 2nd March.

**ADJOURNMENT**

[13:08]