

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 20th MARCH 2025

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[9:30]

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

Deputy J. Renouf of St. Brelade:

Sir, may I make a small statement, just to say that - many Members will know this - but I would like to put on record that I am attending to a close family member who is critically ill and it is for this reason that I have missed some of the last 2 debates and votes. I will also miss some more of the rest of this sitting. I will be attending remotely where I can. I would like to take also the opportunity to thank Members who have offered their support to me and my family. **[Approbation]**

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

1. The President of the Section de Jersey of the Assemblée Parlementaire de la Francophonie will make a statement regarding the 'Journée de la Francophonie'

The Deputy Bailiff:

Maintenant il y a une déclaration de Mr. Le Député Tadier. [Deputy Tadier will now make a declaration.]

1.1 Deputy M. Tadier of St. Brelade:

Aujourd'hui, le 20 mars, c'est la journée internationale de la francophonie où on célèbre la langue française et les valeurs du monde francophone. En tant que Président de la Section jersiaise de l'Assemblée Parlementaire de la Francophonie (A.P.F.), je profite de cette occasion afin de souligner ce qu'on fait à Jersey pour promouvoir la langue et renforcer nos rapports avec d'autres pays francophones. Je ne suis pas responsable du travail du Gouvernement. Mais je voudrais tout d'abord reconnaître le travail des collègues gouvernementaux sur nos liens diplomatiques et économiques: les départements de l'Economie et des Affaires Etrangères, le Bureau des Iles Anglo-Normandes (c'est-à-dire, B.I.A.N.), de même que le Bureau à Bruxelles. En 2025, on verra le 10ème anniversaire du protocole d'accord entre Jersey et le département de la Manche; et on continue à coopérer de la même manière avec la région de la Bretagne et le département d'Ille et Vilaine. Cette coopération comprend des mesures dans les domaines de l'éducation, de la culture, des transports, des sports, du commerce et des ressources renouvelables. On a établi des accords également avec l'Université de Caen, Rennes Business School et le Ministère Français de l'Education en Normandie, mais il reste néanmoins du travail à faire. Cela veut dire que nos étudiants ont la possibilité de suivre des études en France, en anglais ou en français. Au niveau pratique, on a récemment vu l'annonce des Ports de Jersey concernant l'introduction d'un lien aérien entre l'Ile et Paris. Le Gouvernement a aussi décidé de soutenir le service de Manches-Iles Express entre Jersey et la Normandie. En 2024, la visite de l'Ambassadrice de la France au Royaume-Uni a eu lieu; la première visite depuis Brexit. On accueillera cette année l'Ambassadeur de la Roumanie, un pays qui fait aussi partie de l'APF. A Paris, nos fonctionnaires peuvent accéder régulièrement à l'Ambassade Britannique pour y travailler, ce qui facilite les réunions intergouvernementales avec le Quai d'Orsay, le Ministère Français des Affaires Etrangères. On verra pour la première fois cette année un évènement à Paris qui marquera l'anniversaire du Jour de la Libération et fêtera l'histoire des rapports jersiais-français. Le Gouvernement a aussi établi des relations avec le programme Young Leaders du Conseil Franco-Britannique. J'invite tous les Membres de cette Assemblée à reconnaître les efforts de tous ceux dans l'Ile qui s'attèlent à renforcer à la fois le statut de la langue française à Jersey et nos liens avec nos amis francophones, et qui soutiennent notre communauté plus généralement. Surtout les Consuls Honoraires, l'Alliance Française et la Maison de la Normandie et de la Manche (ce dernier qui fête son 30ème anniversaire cette année), mais aussi les enseignants du français (voire les enseignants de toutes les langues), la section du français de l'Eisteddfod et les membres des associations de jumelages de toutes nos paroisses. Toutes ces associations et ces personnes sont importantes et on les doit de grands remerciements. Quant à notre Section de l'A.P.F., nous

continuons à nous engager dans le travail de cette communauté interparlementaire. En octobre 2024, des délégués de notre Section ont participé à la conférence de la Région Europe de l'A.P.F., où on a parlé de la cybersécurité. Comme l'année dernière on prévoit bientôt la présentation d'un rapport aux Etats (en coopération avec le Comité Exécutif de la Section de Jersey du Commonwealth Parliamentary Association (C.P.A.)) sur l'activité des Sections pendant 2024. Je rappelle aux Membres que Jersey fait partie du petit groupe de pays qui participent aux affaires et de l'A.P.F. et du C.P.A.. Du 18 au 20 mai cette année, la Section va accueillir une conférence de l'A.P.F. à Jersey. La Conférence des Présidents de la Région Europe aura lieu avec un thème de discussion du renforcement du rôle des jeunes adultes dans un développement économique et durable. L'A.P.F. n'est pas une organisation politique avec un grand P, mais parlementaire. Il est pourtant impossible de rester aveugle à ce qui se passe dans le monde francophone au niveau politique. Je pense surtout à la tension actuelle entre la République Démocratique du Congo et le Rwanda et aux relations entre le Canada et son voisin du sud. Ces situations nous fait penser aux valeurs de l'Organisation Internationale de la Francophonie, surtout la promotion de la paix, de la démocratie et des droits humains; et, en plus, l'encouragement de la coopération économique afin de réaliser le développement durable. Je l'ai dit auparavant mais je le répète aujourd'hui : apprendre une langue est apprendre un mode de pensée et rencontrer l'autre. Bien qu'il y ait un bon nombre entre nous qui parlent français, je suis tout à fait conscient que ce n'est pas une langue que tout le monde comprend – ce qui est aussi le cas pour les habitants de notre Ile. Pourtant, le français continue à faire partie intégrante de l'histoire de Jersey, de notre Assemblée je dirais aussi et de son identité. On n'est pas obligé à voir une concurrence entre les langues différentes qu'on parle, y compris le français. A mon avis, on peut voir plutôt des opportunités pour les langues, de même que les cultures, qui s'enrichissent mutuellement. Sur cette Journée de la Francophonie, je dis vive donc le plurilinguisme et vive la francophonie. [Approbation]

[Today, March 20th, is International Francophonie Day, a celebration of the French language and the values of the French-speaking world. As President of the Jersey Branch of the Assemblée Parlementaire de la Francophonie, I would like to take this opportunity to highlight what we are doing in Jersey to promote the language and strengthen our relationships with other French-speaking countries. I am not responsible for the work of the Government. But I would first like to acknowledge the work of our government colleagues on our diplomatic and economic ties: the departments of the Economy and External Relations, the Bureau des Iles Anglo-Normandes (B.I.A.N.), as well as the Office in Brussels. In 2025, we will see the 10th anniversary of the Memorandum of Understanding between Jersey and the department of Manche; and we continue to cooperate in the same way with the region of Brittany and the department of Ille et Vilaine. This cooperation includes measures in the fields of education, culture, transport, sports, trade, and renewable resources. Agreements have also been established with the University of Caen, Rennes Business School, and the French Ministry of Education in Normandy, but there is still work to be done. This means that our students have the opportunity to study in France, in English or French. On a practical level, we recently saw the announcement by the Ports of Jersey regarding the introduction of an air link between the Island and Paris. The Government has also decided to support the Manches-Iles Express service between Jersey and Normandy. In 2024, the visit of the French Ambassador to the United Kingdom took place; the first visit since Brexit. This year, we will welcome the Ambassador of Romania, a country that is also part of the APF. In Paris, our officials have regular access to the British Embassy for work, which facilitates intergovernmental meetings with the Quai d'Orsay, the French Ministry of Foreign Affairs. This year, we will see for the first time an event in Paris that will mark the anniversary of Liberation Day and celebrate the history of Jersey-French relations. The Government has also established relations with the Young Leaders program of the Conseil Franco-Britannique. I invite all Members of this Assembly to recognize the efforts of all those on the Island who are working to strengthen both the status of the French language in Jersey and our links with our French-speaking friends, and who support our community.

Especially the Honorary Consuls, the Alliance Française and the Maison de la Normandie et de la Manche (the latter celebrating its 30th anniversary in 2025), but also the French teachers (indeed, teachers of all languages), the French section of the Eisteddfod and the members of the twinning associations of all our parishes. All these associations and individuals are important and we owe them a great deal of thanks. As for our A.P.F. Section, we continue to engage in the work of this interparliamentary community. In October 2024, delegates from our Section participated in the A.P.F. Europe Region conference, where we discussed cybersecurity. As was the case last year, a report is expected to be presented to the States (in cooperation with the Executive Committee of the Jersey Branch of the Commonwealth Parliamentary Association) on the Branches' activities during 2024. I remind Members that Jersey is one of a small group of countries that participate in the affairs of both the A.P.F. and the C.P.A.. From the 18th to the 20th of May this year, the Branch will host an A.P.F. conference in Jersey. The Conference of Presidents of the European Region will take place with the theme of strengthening the role of young adults in economic and sustainable development. The A.P.F. is not a political organization with a capital P, but a parliamentary one. However, it is impossible to remain blind to what is happening in the French-speaking world at the political level. I am thinking especially of the current tension between the Democratic Republic of Congo (D.R.C.) and Rwanda and the relations between Canada and its southern neighbor. These situations remind us of the values of the Organisation Internationale de la Francophonie, especially the promotion of peace, democracy and human rights; and, in addition, the encouragement of economic cooperation in order to achieve sustainable development. I have said it before but I will repeat it today: learning a language is learning a way of thinking and meeting others. Although many of us speak French, I am aware that it is not a language that everyone understands – which is also the case for the inhabitants of our Island. Yet, French continues to be an integral part of Jersey's history and identity and also of the States Assembly. We do not have to see competition between the different languages we speak, including French. In my opinion, we can instead see opportunities for languages, as well as cultures, to enrich each other. Long live multilingualism and long live la francophonie, on this Francophonie Day.]

The Deputy Bailiff:

Merci M. Le Président de l'Assemblée Parlementaire de la Francophonie pour votre déclaration. Maintenant il y a quinze minutes pour les questions en français ou en anglais. [Thank you Mr. President of the Assemblée Parlementaire de la Francophonie for your declaration.] Now 15 minutes for questions, in French or in English.

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

Merci Monsieur, je remercie le Député pour sa présentation et lui demande s'il estime que le niveau d'enseignement du français dans nos écoles est suffisant pour permettre aux élèves de tirer le meilleur parti de notre situation géographique si proche de la France? Fera-t-il pression sur le Ministre de l'Education pour qu'il intègre davantage de cours de français dans les programmes scolaires? If I may Sir, just to put that in English. I thank the Deputy for the presentation and would ask whether he considers French being taught in our schools to be of sufficient standard to enable students to get the best from our geographic location so close to France? Will he be putting pressure on the Minister for Education and Lifelong Learning to include more French tuition in the schools' curriculum?

[9:45]

Deputy M. Tadier:

Merci Monsieur Le Connétable, I will continue in English but, as I said in my statement, it is not a competition between languages, but I am happy to also revert to French, if any Member prefers. I think the underlying premise of the question is basically correct. I do want the message to go out, and I touched on it in my speech - I mentioned it deliberately - that we should offer great gratitude

to all of our teachers in Jersey for the great work they do, often under difficult circumstances. That includes language teachers who are facing ... languages are facing competition from other subjects because they are optional, and we had a very contentious, but I think ultimately constructive debate that has moved the argument forward on that. What I would like to focus on is actually not so much the quality of teaching, I think we have excellent teachers in languages in all of our schools, but that more students should be choosing languages for G.C.S.E. (General Certificate of Secondary Education), even for A-level, and I would like to send the message out to headteachers that they should maybe consider encouraging and inviting multilingual people into their schools to talk about the value that languages can bring both now and in the future for their students.

1.1.2 Deputy H.M. Miles of St. Brelade:

Merci Monsieur, aujourd'hui nous rendons hommage à ceux et celles qui parlent et écrivent leurs paroles, leurs idées, ont contribué à façonner la francophonie, à l'enrichir et à la diffuser dans le monde entier. Des grands noms, comme Victor Hugo, et d'autres, sont des ambassadeurs de cette langue et de ces valeurs mais la francophonie ne se limite pas à une simple langue, c'est aussi un espace de dialogue entre les peuples, un lieu d'échange entre la diversité des cultures et une richesse. C'est cette ouverture à l'autre, ce respect mutuel, cette volonté de faire entendre toutes les voix, qui nous pousse à œuvrer pour un monde plus juste, plus inclusif, et plus respectueux des différences. Alors la question: comment Jersey pourrais-t-il lancer une initiative permanente pour renforcer les liens avec la francophonie au-delà de cette journée? In English, today we are paying tribute to those who, through their writings, their words and ideas, have contributed to shaping the French-speaking world, enriching it and spreading it throughout the world. Great figures like Victor Hugo, among others, serve as ambassadors of this language and its values. But the *francophonie* is not just about language, it is also a space for dialogue between people, a place of exchange where cultural diversity is a source of wealth. It is this openness to others, this mutual respect and this commitment to making all voices heard that drives us to work harder towards a fairer, more inclusive world that respects our differences. Therefore, the question: how could Jersey launch a permanent initiative to strengthen its ties with *francophonie* over and above today?

Deputy M. Tadier:

I thank the Deputy for her question. We think of English and French being so different, but so many of the words that we see are the same. The 2 words I have here are 'reinforcement' and 'développement'. So, to reinforce what we have already got and to develop new links, perhaps. I think what we have to recognise is that we have a healthy starting point. I think we should reinforce the links that we have through our twinning associations, for example, that we have through the local section of the French Eisteddfod to develop festivals, such as the French Festival, which is actually coming up this year for its fifth iteration, and to build on those links that we have with the region of Normandy, Brittany and France more widely. But at the same time, we need to have almost a shift in narrative in the way we think about our Island and that we should not just look to the north, but we have got to look, as I have said before, to the south and to the east. We have to actively seek out opportunities for economic development with our French counterparts and it includes education. I would like a strong message from the Minister for Education and Lifelong Learning, for example, to go out that students can study in Rennes, they can study in Caen. If they are not entirely French speaking, they can go to Rennes and study business there if they want to because English courses are available. I think we have all got a part to play in that.

1.1.3 Deputy M.R. Scott of St. Brelade:

Thank you Sir, *merci Monsieur. L' A.P.F. (Assemblée Parlementaire de la Francophonie) cherche-t-elle à soutenir notre langue maternelle, le Jèrsiais, d'une quelconque manière, tout en soulignant les similitudes et ses différences avec le français, tel qu'il est parlé aujourd'hui?* To translate my

bad accent, I am asking if the A.P.F. is seeking to support our native language, Jèrriais, in any way, while highlighting its similarities and differences from French, as it is spoken now?

Deputy M. Tadier:

I was always reminded by a native Jèrriais speaker who told me you will not find a native Jèrriais speaker who does not also speak French and English, they are trilingual. There is, of course, a key link between Jèrriais, which is a Norman language, and French. I think insofar as the A.P.F.'s mission is to promote multilingualism more generally, definitely that also includes Jèrriais. I am sure that when we host the conference in May, which is open to the wider membership of the Assembly to come and meet delegates from all over Europe, that we will make sure that we introduce them to some Jèrriais. It was also a language which Victor Hugo appreciated when he came to the Island and he spoke very warmly of our Norman tongue, which exists still today in this Island.

The Deputy Bailiff:

Encore des questions? [Any further questions?]

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

Merci Monsieur, le Député a parlé des accords entre les institutions éducationnelles et je prie, poser la question au Député, est-ce qu'il pense qu'il y a assez d'étudiants de Jersey qui utilisent ces accords et ces échanges, et, si non, qu'est ce qu'il dirait aux étudiants pour les encourager d'utiliser ces accords? I am asking the Deputy whether he thinks, given that we have these agreements with educational institutions in France, does he think enough Jersey students take part in these exchanges and these agreements, and if not, what would he say to students to encourage them to take part?

Deputy M. Tadier:

Ultimately, this has to be about choice, it is not about forcing students to go to one country or another to study or one institution. But I think it is about promoting the opportunities, highlighting what is available, and maybe also just highlighting the fact that these institutions, which are very well esteemed, are so close to us, and now we have good links, I think, with France for transport. We have the new ferry service. We have links with Manche Iles Express as well, which I talked about. If you want to be not too far from home, and maybe also the economic factor might be something that comes into play because we need to look at what the fees are and how they compare. Ultimately, that will be a consideration, I imagine, in student and parents' choices about where they go to study.

1.1.5 Deputy R.S. Kovacs of St. Saviour:

Merci, je dis aussi aujourd'hui vive la francophonie. [Thank you, I also say long live French-speaking today.] *Et la question, quel avantage Jersey a-t-elle en faisant partie de l'Assemblée Parlementaire de la Francophonie? Et quel avantage le Député pense-t-il que les membres de l'Assemblée tirent de leur participation aux conférences avec d'autres pays de l'A.P.F.?* And in English, what benefits does Jersey get from being part of the Assemblée Parlementaire de la Francophonie? How does the Deputy think the States Members benefit from attending conferences with other A.P.F. countries?

Deputy M. Tadier:

By having membership of both the Assemblée Parlementaire de la Francophonie and the Commonwealth Parliamentary Association, Jersey is really well placed. As I have said, it is not every Parliament that has that opportunity, and it just opens us up to a whole new world, really, that exists, which is so important. There are so many countries, for example, in the east which form part or are interested in *francophonie*, and they see that really as a gateway to joining Europe or to perhaps, in some cases, move away from Russian influence. I also think that our part in that as an Island which is well placed centrally, literally in between the English-speaking world and the French-speaking world, is fundamental. These conferences are so important for our C.P.D. (continuing

professional development). I spoke to a couple of colleagues this morning when I came in and said it seems that kicking politicians is quite common these days and we are unfortunately held in not the highest of esteem. But if you look at the type of work we do and the reasons we go into politics, it is through meeting other politicians in different countries, other parliamentarians, that we get to share with them and realise that a lot of the challenges we face as an Island are common challenges, which often needs global solutions, often delivered on, of course, on a local level.

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

Merci Monsieur le Président pour ta présentation. [Thank you, Mr. President, for your presentation.] Now I will speak in English. Would the president of A.P.F. agree that it is highly important for a Canadian representative to join us for the 80th anniversary of Liberation so that we can acknowledge in person their humanity in sending much-needed food parcels and saving lives during the Occupation? Bearing in mind that they are under threat at the moment and need support and that they are also a bilingual Parliament.

Deputy M. Tadier:

I thank the Member for her question. I think it is absolutely right that we do recognise the role that Canada played, in particular in the Vega bringing over food parcels to Jersey, but also the fact that they, like us, although they are a massive country, also have that bilingualism that we perhaps aspire to as well. I know that the Chief Minister of course has written to the new Prime Minister, Mark Carney, to congratulate him. I would hope that, for example, we might be able to invite somebody from Canada, if that has not happened, and even if it could be somebody, an attaché from the High Commission, that could come to Jersey. It would be wonderful if they could be part of our Liberation Day 80 celebrations.

1.1.7 Deputy P.F.C. Ozouf of St. Saviour:

Monsieur le Président, je tiens d'abord à féliciter chaleureusement l'engagement en tant que le Président de la section jersiaise de l'Assemblée Parlementaire de la Francophonie. La déclaration que nous avons écoutée, Monsieur le Président, illustre avec justice la richesse de notre lien historique, culturel et éducatif avec le monde francophone, ainsi que l'importance de maintenir vivante cette relation si précieuse, tant avec la France, tant avec les autres pays, comme Monsieur le Président a dit. Je vous demande, est-ce que je me permets, de demander, à Monsieur le Président, dans le cas d'être la fonction de l'A.P.F. est-ce qu'il a eu déjà l'occasion de rencontrer la Présidente de l'Assemblée Parlementaire de la Francophonie, ou bien même la Secrétaire Générale de l'Organisation Internationale de la Francophonie, parce qu'en fait elle est Rwandaise, et il y a une tension que je comprends très bien, étant le seul représentatif de cette Assemblée qui a eu une responsabilité avec la francophonie dans le domaine des élections. Je souhaiterais me joindre à payer hommage à Monsieur le Président pour avoir l'opportunité de répondre à cette question en anglais s'il veut. [Mr. President, I would first like to warmly congratulate you on your commitment as President of the Jersey branch of the Assemblée Parlementaire de la Francophonie. Your statement aptly illustrates the richness of our historical, cultural, and educational ties with the French-speaking world, as well as the importance of maintaining this precious relationship, both with France and with other countries. If I may ask you, Mr. President, in your role within the A.P.F., have you already had the opportunity to meet the President of the Assemblée Parlementaire de la Francophonie, or even the Secretary General of the Organisation Internationale de la Francophonie, because in fact she is Rwandan, and there is a tension that I understand very well, being the only representative of this Assembly who has had a responsibility with the *francophonie* in the area of elections. I would like to join in paying tribute to Mr. President for having the opportunity to answer this question in English if he wishes.]

I have spoken in French, but I was just ...

The Deputy Bailiff:

We know. [Laughter]

Deputy P.F.C. Ozouf:

I understand, as the President has said, that more Members might not be able to speak the language. It is just appropriate, I said I warmly congratulate the President on his speech. It was excellent, and all the other Members that have spoken, like me, who have had the joy of learning French. My question was: has he actually met yet the President of the A.P.F. and the Organisation Internationale de la Francophonie, because she is Rwandan, and he mentioned rightly the tension that exists between Rwanda. It is something that I know very well about, having been one of the Assembly's only election observers for the *francophonie*, and I understand the attention. I agree with it. I have not spoken about it before, but I understand whether or not he, in his work, might be able to speak with her, because I think that would do our relations the right thing, and to raise those concerns that are rightly made by other Members.

Deputy M. Tadier:

First, I thank the Deputy for his question and for his longstanding support for *francophonie*. I have spoken privately separately with the Deputy about this. I have not met the individual in question. I have met the previous Francis Drouin, who was the President of the overall A.P.F.. I understand that the current *déléguée générale* is somebody called Amélia Lakrafi. I think he might be talking about the O.I.F. (Organisation Internationale de la Francophonie) President. But it would be very helpful if the Deputy could set up a link so we could have that wider conversation. Clearly, Jersey's Government relationship with Rwanda, the links with overseas aid, which are really important in that area, but notwithstanding the political sensitivities with the conflict there, I think should all be of great interest to us. If Jersey can play any part in those conversations, I think that would be a welcome opportunity.

Deputy P.F.C. Ozouf:

May I have a brief supplementary?

The Deputy Bailiff:

Yes, we are almost at the end of time, but yes.

Deputy P.F.C. Ozouf:

If anybody ...

The Deputy Bailiff:

No, you are the last Member to wish to speak so, yes.

1.1.8 Deputy P.F.C. Ozouf:

Would the President agree that in those remarks he is reinforcing the world of diplomacy that can work so actively, us being both British and French, in the work that he is doing?

[10:00]

I know he has the Minister for External Relations next to him, I know there is an event in Paris, and would he agree finally that this is an example of the quiet diplomacy that can go on and he is doing, and maybe not spoken about much in this Assembly, but can go on. *Vive la France, vive Jersey et notre pluralisme de langages. Merci.* [Long live France, long live Jersey and its plurality of languages. Thank you.]

Deputy M. Tadier:

It is absolutely right that the learning that we have at the conferences is highly valuable, but also the conversations that we have when we are over a cup of tea, a cup of coffee with other delegates who are also very well informed in their areas. I remember, for example, a lot of the work of our section is focused on Europe. But inevitably, we do get exposure to other countries. I will give a very quick example that when some of us attended the conference in Georgia, which was the plenary for the World Conference, you realise that all of a sudden, how many francophone countries there are in the world. You also realise when you have Rwandan delegates sitting next to Congolese delegates, and then when tensions start to rise slightly, you realise: “Oh, this wasn’t quite on my radar before” but actually, the value of *francophonie*, including the O.I.F., in their shared values, whether it is around democracy or human rights or economic growth and U.N. (United Nations) development goals, is highly important for us, and we are lucky to be part of that. [Approbation]

The Deputy Bailiff:

The 15 minutes allowed by Standing Orders has expired, but I think there is another question from Deputy Bailhache. Do you want to ask a question? Are Members content to extend the time? Yes.

1.1.9 Deputy P.M. Bailhache of St. Clement:

Very quickly Sir, until 20 years ago, the language of conveyancing in this Island was French, and every transaction for the sale of land was completed in a document in the French language. That ceased because ... or one of the reasons why it ceased was that there were insufficient clerks in Hill Street who were capable of understanding the French language. Would the president agree that unless considerable efforts are taken in the education sphere to encourage the development of fluency in the French language among our children, that these kind of exchanges that we have had this morning will be something to be cherished in the distant past?

Deputy M. Tadier:

I am sure there is a line to be steered between pragmatism and actually respecting the fact that we are still a bilingual Assembly and that French is a language of the courts as well, of course. I think ultimately a choice needs to be made whether we reinforce our heritage, including French language, or we just let it slide. Because I could see - I hope this never happens - in a few years’ time, it would only take a Member of this Assembly to say that we should not be allowed to speak French anymore in the Assembly. I woke up maybe this morning thinking about, from a different angle, that we see ourselves as an English-speaking Assembly, but we are actually a French-speaking Assembly which allows English to be spoken because that was the decision that was taken in 1900. It has simply evolved since. So, we are – *à la base, nous sommes une assemblée francophone qui permet l’utilisation de la langue anglaise* [we are in essence a French-speaking Assembly that permits the use of the English language.] So, I think we should remember that. Maybe when Government is recruiting to key roles in Government at certain levels, that bilingualism, certainly an ability to speak good French, to write, read French, should be a requisite so that it filters down through the whole system.

1.1.10 Deputy R.S. Kovacs:

J’ai une autre question. [I have another question.] *Comment Jersey peut-elle utiliser son appartenance à l’A.P.F. pour élargir et améliorer ses relations avec les pays francophones?* How can Jersey use its membership in the A.P.F. to expand and improve its relations with French-speaking countries?

Deputy M. Tadier:

I think the starting point is that just by being members of the A.P.F. is that people know about us that would not necessarily know about us. Either they come to Jersey for conferences, they see Jersey delegates attending conferences. Just at this point, if I can say that when we get the usual easy attacks on us for traveling on conferences, because we are actually just doing our work, I think it is really

important that we highlight the fact that, first of all, this is part of our job. Not only is it a way for us to develop ourselves and ultimately become better politicians and to serve the public better, irrespective of how long we are here for, is that would it not look very strange if Jersey started saying, we are not going to send anyone to these conferences because we do not think they are important and we are worried a bit about a bad headline in the local newspaper or in the local media. I think it is really important that we value those links, and that is just by having conversations and knowing what is going on in other places, the shared challenges and telling people. It actually works both ways. Sometimes we tell people about what we are doing in little old Jersey and they think that is a great idea, and sometimes they copy us. So it can work both ways.

The Deputy Bailiff:

Encore des questions pour le Président? [Any further questions for the President?] No.

PUBLIC BUSINESS - resumption

Connétable K.C. Lewis of St. Saviour:

May I raise the défaut on Deputy Farnham?

The Deputy Bailiff:

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

2. Re-instatement of Senators (P.2/2025): third amendment (P.2/2025 Amd.(3))

The Deputy Bailiff:

We move back to the debate on the Re-instatement of Senators and the final amendment to be debated is the third amendment lodged by the Privileges and Proceedings Committee. I invite the Greffier to read the amendment.

The Greffier of the States:

Paragraph (b) – For the word “2026” substitute the word “2030”.

2.1 Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):

The speech I am making today is not the speech that I thought I was going to be making if it was yesterday afternoon. I would just like to say that in Jersey we pride ourselves on good governance. The finance industry thrives on good governance, I think we would all agree with this. This amendment is all about good governance. Therefore I was very disappointed in the Chief Minister’s decision to send out his email yesterday. I feel that this is an attempt to undermine this amendment. It makes sweeping statements and places responsibility on P.P.C. (Privileges and Procedures Committee) to work at speed to bring about something which should have been lodged earlier to be achieved before the election year. It also ignores the fact that it is not the time that it takes to draft the law that is the issue, but the fact that we will have to debate this again during an election year. Is this now a Government proposition? I am confused. Where was the consultation with this on P.P.C.? Is there legislation which would be delayed as a consequence of this taking priority and maybe very, very important legislation that will be delayed because we have decided that we are going to arrange ourselves. Everybody in here would know that to do something like this it was better to bring this proposition earlier rather than later, and I do know that when Deputy Millar ... I spoke with her when she said that she was bringing this, and it was lodged for February. I know that I said to her that it would have been better if she had brought this in February rather than March because it would cause problems. As I said, it is disappointing that the Chief Minister chose to intervene in this manner, but I hope that his intervention will not cloud Members’ judgment and they will listen to the arguments I am about to put forward as to why this amendment is necessary. This is not a wrecking motion or anything, this is all about good governance. In June 2022, following the last elections, the final report

of the C.P.A. Commonwealth Parliamentary Association) B.M.I.R. (British Islands and Mediterranean Region) E.O.M. (Elections Observers Mission) was published. In that report the E.O.M. set out 14 recommendations to improve future elections in Jersey. The first of which was recommendation 1: “Substantive amendments to the Elections Law should be adopted well in advance of the next election and never less than a year before.” These bodies, C.P.A., E.O.M., the Venice Commission are highly respectable bodies of high repute. The E.O.M. also made reference to the Venice Commission who set out clear guidance on regulatory levels and stability of electoral law stating that: “It is not so much changing voting systems which is a bad thing, they can always be changed for the better. It is changing them frequently or just before or within one year of elections.” The Venice Commission is not alone in its views. The International Institute for Democracy and Electoral Assistance, International I.D.E.A., have published international electoral standards, guidelines for reviewing the legal framework of elections, such guidelines setting out that election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. Election legislation enacted at the last minute tends to undermine the legitimacy and the credibility of the law and prevent political participants and voters from becoming informed in a timely manner and about rules of the election processes. In lodging this amendment, the Privileges and Procedures Committee is not wishing to influence the Assembly’s decision as to whether or not to adopt the main proposition. This amendment seeks only to ensure that if substantive changes are to be made, sufficient time is given to ensure that they can be implemented in accordance with internationally recognised best practice. But if we want to fly in the face of that we can vote against it. Both the C.P.A. and Venice Commission opposed changes to elections legislation in the year of a poll and P.P.C. does not believe that it is possible to implement the changes before June of this year, noting that the relevant legislation would have to be drafted and lodged for debate in an extremely short time scale. While the constitutional change in substituting one Deputy in each constituency with a Senator appears straightforward, the consequential legislative impacts are more complicated. It will no doubt be argued that legislation was able to be produced at speed during the COVID-19 pandemic, but emergency legislation should not be regarded as a precedent. Unlike the time-limited COVID legislation, this is permanent and underpins the Island’s democratic system. It cannot and should not be rushed. If this amendment is not adopted, we would inevitably be faced with a debate on the Elections Law in 12 months of the elections, with 2 outcomes. The first is that we would be ignoring the recommendations of 2 successive C.P.A. election observers’ missions and internationally recognised best practice, which would be damaging to us reputationally and would simply not be good governance. Secondly, and most importantly, we would be making major changes to the system in the run-up to the elections and risk further disengaging with the electorate who, in the Jersey Opinions and Lifestyle Survey 2022, cited lack of trust in the political system and lack of understanding of the electoral system as a reason that respectively 28 per cent and 17 per cent of the population do not vote. The Venice Commission proposes a solution to ensure there is a degree of stability maintained when electoral reforms are implemented. Another more flexible solution would be to stipulate in the commission that if the electoral law is amended the old system will apply to the next election at least if it takes place within the coming year, and the new one will take effect after that. P.P.C. agrees with the Venice Commission that the stability of the law is crucial to the credibility of the electoral process, which is itself vital to consolidating democracy. It is for this reason that it does not consider that such substantive changes should be brought into effect until after the next elections have taken place. If the Assembly adopts the main proposition unamended, the only way in which the relevant legislation can be brought forward in time for next year’s elections will be at speed. This Assembly should make laws which have been prepared in a measured and thoughtful manner, especially when that legislation underpins the very democratic process by which we are elected to sit in this legislature. Notwithstanding the sterling efforts of the States Greffier and our legislative drafting team, it would be impossible to lodge draft amendments to implement this Assembly’s decision in the 7 working days that we have left between this date and 1st April. Seven

days before 1st April, which would be the last lodging date to ensure a debate before June 2025; the year before the next elections. The alternative would be that we work at considerable speed to lodge a draft as soon as possible, but inevitably this will be some way into the 12 months leading up to the elections. The impact of that should not be ignored.

[10:15]

As I said previously, we would be deliberately going against the recommendations of 2 successive C.P.A. election observers missions and widely regarded best practice in line with the Venice Commission. This Assembly prides itself on the membership of the Commonwealth Parliamentary Association and we attend conferences and among us several Members have undertaken election observer training and participated in missions, and indeed have even led them. How can we say that we support the C.P.A., share its values and are happy to be part of the observer missions into other jurisdictions and yet reject as not relevant to the public one of the overarching principles which the C.P.A. has included in both its mission reports. It is well-documented that substantive changes to the Elections Law in the year of an election undermines public confidence in the process. We have a low voter turnout as it is. Why risk further disengaging the electorate by altering the system so close to the elections? This can only cause more confusion among the public who already say that they have limited trust in the political system. With all due respect, I do believe that some people do not appear to grasp the complexities of law drafting and how long things take to come to fruition. I mentioned earlier about COVID legislation. That was pushed through urgently to meet a pandemic as a necessity. Back then we had a duty to create legislation at speed to protect Islander's health. This time we have a duty to protect Islander's democratic rights. The difference is that we do not have to adopt knee-jerk responses. We can and we should take time to ensure the relevant legislation is not rushed and we are making the right law for Jersey's future elections. If it is the will of this Assembly to reinstate Senators, then it should do so properly and take care to ensure the legislation is as robust as possible. This will take more than 7 days. I urge this Assembly to accept P.P.C.'s sensible amendment and just would like to repeat that we do all pride ourselves on good governances and we should not pick and choose when we have it.

The Deputy Bailiff:

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

2.1.1 Deputy M.R. Scott of St. Brelade:

I totally agree with the chair of the Privileges and Procedures Committee about the importance of good governance. The P.P.C., as we call the Privileges and Procedures Committee, is to propose its next round of changes to the electoral system on April Fool's Day and these, we have been told, will be largely administrative. If this is correct, they will not be proposing the single transferable voting system that the 2012 report to the Electoral Commission presented as a solution to a structural flaw in the current arrangements whereby this current States Assembly is constituted. A flaw that was not disclosed by the former P.P.C. when presenting its proposals to the States Assembly 4 years ago, or at least not when I have actually read from what I have actually read so far. The other solution highlighted by the report are single-member constituencies although the retention of the Constables in the States without a fractional voting arrangement makes this unworkable in terms of voter equity. I certainly am aware of no consultation by the P.P.C. States Members of even the possibility of introducing a single transferring voting system to address what was described as an important disadvantage in the report to the Electoral Commission. Given the novelty of such a concept, I have to accept it is too late to bring one before the next election. I do not recall there being a consultation by the P.P.C. with States Members about how well the last set of changes have bedded in over this term. I do believe it was actually saying last time that the possibility of reintroducing States Members into this Assembly, that that was something it was looking into. Deputy Millar's proposition may not solve the inherent voter inequity problem with the current system before the next election either

but it does at least go some way towards reversing an injustice that can be associated with the current arrangements before the next election and to reduce a skewed outcome that results from it. Because the bringing forward of P.139/2020 by the former P.P.C. was not the way things should have been done; not in my opinion at least. The lack of scrutiny and challenge of the P.P.C. for its lack of full disclosure of the nature of the complexity of the arrangements, of the important disadvantage that is embedded in this system. The lack of disclosure was not the way things should have been done either. The political opportunity it gave to political parties seeking to exploit any political opportunity they can and have been given to further their gain also was not highlighted either. The current system was advocated by the former P.P.C. chair, former Deputy Russell Labey, despite a report to the Electoral Commission pointing out an important disadvantage for independent candidates. Multimember super-constituencies can be easily manipulated by political parties to produce an imbalance in their representation in the States Assembly. I shared the 2012 report produced by the University of Reading with States Members earlier this week in case some of them were not aware of it. It said: "Multimember plurality has 3 important disadvantages. Firstly, it can seriously misrepresent opinion. If groups of voters tend to vote for the same set of candidates the largest group can secure all the representation even if it is in the minority of the population as a whole. These groups might be a political party or ideological or geographical in other ways. Second, as a corollary - not a word I can easily pronounce - of the first point, multimember plurality can lead to a large number of wasted votes. It is an effect that is likely to depress electoral turnout. Heavens. Third, multimember plurality can do a bad job of choosing the most popular candidates, as vote splitting between candidates with similar constituencies can allow a less popular candidate through. So the former P.P.C. with Deputy Russell Labey, as its chair, and I can see Deputy Alves is squirming a bit in front of me, she was its vice-chair.

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

Can I just raise a point of order? What has this got to do with the amendment that we are talking about?

Deputy M.R. Scott:

I am pointing out an important disadvantage in the current arrangements, which cannot be glossed over easily and why there is reason for bringing these amendments through now. I hope that explains.

Deputy C.S. Alves:

We are debating the date.

The Deputy Bailiff:

One at a time.

Deputy M.R. Scott:

This is why it should not be delayed, Sir.

The Deputy Bailiff:

Deputy Scott, the speech you have made about S.T.V. (single transferable votes) and various voting methods, is that connected to the amendment that the Assembly is now considering?

Deputy M.R. Scott:

It responds to the speech of the chair of the P.P.C. justifying the amendment, and I am responding to that speech and the amendment.

The Deputy Bailiff:

I think it is very important that what you say is connected to the amendment and the fact that a Member may have said something not relevant to the amendment in their speech - I am not saying

they did or they did not - does not justify another Member making a speech that is not relevant to the amendment. It must be relevant to the amendment.

Deputy M.R. Scott:

I totally accept the rules and their reasons. The actual non-disclosure, an important basis, a thing that actually affects the actual equity in this Assembly does affect the reason why this States Assembly may choose to not accept the P.P.C.'s recommendation.

The Deputy Bailiff:

All right.

Deputy M.R. Scott:

I am not going to speculate on the reason for non-disclosure. I do note that the former P.P.C. chair, who had been an independent, lost his seat in the following election unlike the P.P.C. vice-chair. We can see the imbalance that the current system produces with our own eyes. Close to 20 per cent of the seats in this States Assembly are occupied by Reform members and this might be described as a distortion of political power. Ironically the former Chief Minister seems to have supported on the last time a proposition of this nature was brought. She supported this continuance of political power when she last voted in a debate to restore Senators. At the roadshow I attended at St. Peter and St. Brelade the audiences did not welcome the changes. Might the electorate have been wiser than the States Members representing them? In this case possibly so. Some States Members are asleep on the job. Some States Members were not taken through the complexities of the current arrangements by the former P.P.C. I happened to be particularly bruised by the outcome because there were times when I sought the support of Reform members; the vice-chair of the Scrutiny Panel I chaired and Reform members who were members of the former Scrutiny Liaison Committee. Despite the social justice sought by many of their objectives, I believe their pursuit of political ambition to be hyper-focused and ruthless. So exactly what has the P.P.C. done to address the imbalance of power this current system produces so far, so that it can be addressed before the next election? Is there any evidence that it actually has recognised this or cared about it. Now in the early days of this States Assembly, while many States Members celebrated diversity, change and the election of our first Chief Minister, members of a political party immediately put themselves forward as Scrutiny chairs uncontested in 3 cases, and we know we all dislike uncontested elections. Deputy Luce and I were the only independents among 6 Scrutiny chairs, hardly representative of the number of independents in the States Assembly because some independents were holding out as perhaps ... I mean that could be a reason, holding out for Assistant Ministerial positions at the time. In response to an oral question I have asked the chair of the P.P.C. as to whether she would be looking to address the timing of Assistant Ministers' elections, I recently found it was not followed up. This was an opportunity to address an imbalanced political opportunity.

The Connétable of St. Martin:

Point of order, Sir.

The Deputy Bailiff:

Yes.

The Connétable of St. Martin:

This has actually been followed up by P.P.C.

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

That is just addressing a person across, it is a point of clarification possibly. You cannot just address ...

The Deputy Bailiff:

When the point of order is taken, the person speaking must sit down. That is you, Deputy Scott. You must sit down now. Connétable of St. Martin, what is your point of order?

The Connétable of St. Martin:

Our point of order is that we have looked at this in P.P.C. and it is an ongoing piece of work.

The Deputy Bailiff:

Yes, I am not quite sure that is a point of order.

The Connétable of St. Martin:

Well, she just accused us of not doing anything about it.

The Deputy Bailiff:

I think the point ... Deputy Scott, I know you have explained why it is you are saying what you are saying but in my judgment what you are saying is simply not relevant to the amendment. The amendment is dealing with whether or not the changes, if any, as proposed by the proposition should be delayed until 2030, for the reasons set out in the report. In my judgment, what you are saying to Members, with respect, is not relevant to the amendment. It is simply not relevant to it.

Deputy M.R. Scott:

I note that the reasons why I have actually explained why this may be of particular importance for the States Assembly to rectify right now rather than to delay until 2030 is not accepted by you. I also will mention that the answer to the written question that I received from the P.P.C. most recently about this matter about the Assistant Ministers contained an apology for the fact that the chair had not pursued the matter.

[10:30]

What I am really saying is that the only possible card on the table for Members to counter this position is the proposition we have now and if it is to be done as soon as possible that does mean that it be implemented before 2030. We have had information from the Chief Minister, I see that it is disputed by the P.P.C. My position is that if the political tide is turning, if Members wish to seek this important disadvantage in the absence of proposals having been brought by the P.P.C., then the P.P.C. must swim with it. There is only so much States Members can accept in the pursuit of justice of voters at the expense of other values that also are important for voters, then it still will be within the timetable set for it, which remains within the period recommended by the Venice Commission. The actual proposition is simple, I do not believe that there is much room for amending the legislation that reflects it. I am not of course seeking to embarrass the chair of the P.P.C. or even seeking to invoke no confidence against her, and I apologise that I have to raise this. But what I am saying is I do not accept the P.P.C.'s position on this matter for the reasons I have given. I would submit it is the task of the P.P.C. to support the democratic will of the Members of this States Assembly not to seek a delay that will continue to support arrangements that favour a small proportion of its Members, depriving all voters of greater say over who is in Government. I therefore urge Members to reject this proposition.

Deputy J. Renouf of St. Brelade:

Can I ask a point of clarification?

The Deputy Bailiff:

Are you prepared to give way?

Deputy M.R. Scott:

Yes, of course, Sir.

Deputy J. Renouf:

Deputy Scott has made a point about the multimember plurality, the unfairness of that system in terms of multi-member constituencies. Does she accept that P.2 institutes multi-member plurality for the Senators?

Deputy M.R. Scott:

I was intending to address this in the speech in my main proposition but I accept that the current proposition does not fix the continuing disparity between the electoral districts created by a democratic decision to have the Constables in the States Assembly. I have raised possible ways of addressing this. I have come up with an idea. The report to the Electoral Commission suggested something and it has not been addressed.

2.1.2 Deputy H.M. Miles of St. Brelade:

I think it is fair to say that my reaction when I read this amendment was one of surprise. If this Assembly decides 15 months before the next general election to reinstate Senators, I think the public would expect that decision to be enacted in time for the next election and not at a subsequent election in 5 years' time. The public would be absolutely right to have that expectation. There is simply no need to wait until 2030 to implement this change if it is agreed by the States. Indeed a decision to wait until 2030 would do our reputation as an Assembly no good at all. Five years to remove one Deputy from each electoral district and substitute 9 Senators is simply not credible in my opinion. I have had many years of experience working with the Legislative Drafting Office and I know that they are a very capable and professional team. They also have plenty of experience of working on amendments to the electoral system, so this is not a new topic for them to get their heads around. To be honest, I had taken it as a given that the required legislative changes could be considered by the States before the summer recess, hence my surprise at seeing this proposition. That does not require the legislation to be rushed. It is a reasonable timeframe for delivering changes that would be required. There would not be time for feet to be dragged but I think the Assembly and the public can expect that if decisions of this Assembly are taken then it will be a priority for them to be delivered. So I was pleased to see the email from the Chief Minister yesterday evening confirming that the work would indeed take around 3 months, which would mean a debate on the legislation in June or July as long as P.P.C. and the Greffe pursue this in a timely manner. I have no doubt that they would do so. Yes, Royal Assent would then need to follow but there is no jeopardy for receiving Royal Assent. The democratic decision will have been made. Given that the initial decision would have been made in March 2025 and then hopefully confirmed in June or July 2025, I think the public, election officials and candidates will have ample time to prepare themselves for what is to come in June 2026. Waiting until 2030 effectively means that this Assembly is not taking a decision at all. It is abdicating its role and passing the responsibility to the next Assembly. That is not what I was elected for. We carry the baton, and we take decisions and see those decisions implemented until that baton is handed over and taken from us. I could not really explain with a straight face to the voters of St. Brelade that this change needs 5 years to be implemented and I will therefore be voting against this amendment.

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

I am very pleased to follow the speech of Deputy Miles. When I awoke this morning, the sun was streaming through the window and I leapt out of bed with a spring in my step. I want to start on a conciliatory note with my good friend - and I hope she still is my good friend - the Constable of St. Martin and the chair of the Privileges and Procedures Committee, because I simply did not intend to cause any problems. I was just seeking to be helpful with the email I sent to States Members late afternoon yesterday on the back of questions and some concerns or some claims raised during the debate on the amendments that we simply would not have the time to deal with the legislative

requirements of this proposition. If I may, just in case any Members did not get a chance to read the email, I will just read it to States Members for clarity. I wrote: "Dear colleagues. After questions were raised by some Members in the States earlier in the debate, I wanted to clarify the legislative timeline should P.2 be approved. Following discussions, it has been confirmed by officials and the Law Drafting Office that the necessary drafting work would take approximately 3 months, depending on the option approved by the Assembly. Therefore, if the States decide to support the proposition to bring back the Island-wide mandate, the necessary legislation could be ready for debate before the summer recess. I have been assured that this is possible, subject of course to prompt action by the P.P.C. and the States Greffe, who would need to ensure a timely turnaround of the draft law, something I am sure they would do on the back of a States decision. The Legislative Drafting Office have also advised that they would be able to make arrangements to accommodate this piece of legislation and government officials would support as necessary to ensure our legislative programme allows for this. The Privy Council meets once a month to approve laws so the change would be in place later this year in ample time for the election in June 2026 ." I finished: "I hope this is helpful." That is what it was meant to be, a helpful email to assure Members had the facts relating to the timing. I would also like to remind Members that the Venice Commission and other similar bodies are well-respected and well-regarded, but they provide guidance and in their guidance they are clear that they accept that there are many different types, shapes and sizes of jurisdictions. There are logistical challenges in large countries with small populations and there are challenges in small countries and Islands with larger populations. They always say they expect to see differences in circumstances and instances where jurisdictions will need to work outside their guidelines, which is what they are; they are guidelines and recommendations. We tend to align with those recommendations on some things but not others. We tend to align with them when it suits us. I think voter equity is important. I think voter influence is perhaps more important in our Island, the way it is made up with Parishes and districts, and previously the Island-wide mandate to provide that balance. Yet some Members will - and I do not criticise at all Members' views, we all have strong views about this for our own reasons - champion the Vienna Convention's causes when it comes to equity or in relation to Senators, which was arguably the office that was elected most equitably across the Island. To defer that or to vote against that, while actually strongly supporting, as I do, retaining the office of Constable which is probably, when it comes to voter equity, the most inequitable. So we do tend to pick and choose and sometimes we put that above the principles we try to serve when looking at guidance from such things as a Venice Commission. What I will say is that - and I think Deputy Miles hit the nail squarely on the head - we are making a decision now some 15 months before the next election and, as I explained in my email, after obtaining advice from officials both in my department and the Law Drafting Office, we have ample time to do that. But if we do not, I actually can confidently say that it is my firm belief that while the reintroduction of the Island-wide mandate might not see a massive resurgence in voter turnout at the next elections, we will see a further decline because we have disenfranchised more Islanders in the electoral process, something that all the work we have done, previous P.P.C. committees have done, changing election days and dates, times of year, has all been aimed at increasing voter turnout. I think despite those best intentions, we would have spectacularly failed. We all know that the date, style and timing of the election is not the panacea to resolve that, it is the way we all interact and act in here and how we start making Islanders feel more confident that their voices are being heard. The decision on the Island-wide mandate is being made and now we should not be seeking to tie the hands of the next Assembly because actually if we do agree to defer to 2030, that is tantamount to nullifying completely the proposition. I am sure that a new Assembly will simply want to re-debate or debate other types of electoral reform. We are not sure how the new P.P.C. or the new make-up of the Assembly will want to deal with those challenges and we should not be seeking to tie their hands by kicking this down the road to 2030. I think that defies the whole intention of the main proposition and I would urge Members to not support it. While I am up, could I just ask, I am presuming that this amendment still requires a majority of 25, given that it is seeking to change the main proposition, so your clarification would be helpful.

The Deputy Bailiff:

It does, yes, it requires 25.

Deputy P.F.C. Ozouf of St. Saviour:

Would the speaker give way?

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

I would also like to ask for clarification as well.

The Deputy Bailiff:

Will you give way for points of clarification from Deputy Ozouf and Deputy Mézec?

Deputy L.J. Farnham:

Yes.

Deputy P.F.C. Ozouf:

The Deputy in this capacity, or Chief Minister in this capacity, said that the proposition was tantamount to negating the proposition and I wondered why he was saying that because that would have been a contravention of Standing Order, Sir, which you would not have allowed through your officers, and the amendment to be brought. I would just ask the Chief Minister kindly to evidence why it is a negation because it is a serious issue which would not be ... which, in other words, if it is true then it would not be allowed. Am I right or wrong? Maybe I could have a ruling from the Chair as to whether or not this is a negation.

The Deputy Bailiff:

Well, it is not, it has been approved for lodging and it will be debated and voted upon in the usual way.

Deputy P.F.C. Ozouf:

So the Chief Minister is incorrect in what he is saying?

The Deputy Bailiff:

Well, he may have meant it in a political sense, not a Standing Order sense. I am not going to answer for him, that is a matter for him.

Deputy P.F.C. Ozouf:

That is a matter for him but maybe he could confirm that in fact he should not be saying such a matter in terms of its properness.

[10:45]

Deputy L.J. Farnham:

May I reply? I was meaning it in a political sense, not in a Standing Order sense but in the context of what I said - and I stand by that - if the Assembly were to approve this amendment to push this to 2030, I believe this proposition would never be delivered. It would be re-debated and would interfere with the new Assembly's view on electoral reform.

Deputy S.Y. Mézec:

In his speech and in referring to his email, the Chief Minister repeated the line: "The Legislative Drafting Office has also advised that it would be able to make arrangements to accommodate that piece of legislation and Government officials would support as necessary to ensure that our legislative programme allows for this." Could the Chief Minister clarify what arrangements it would need to

make to accommodate that, given that I am presuming they were already intending to be very busy for those 3 months and something would have to give to enable them to have capacity to make those arrangements?

Deputy L.J. Farnham:

Yes, well I am not exactly sure at the moment, we will leave that to officials, but we have set in place a legislative law drafting programme which is constantly changing, and I think Ministers will know that there are areas where some law drafting is delayed, some is changed, gaps appear. There is leeway in the schedule to allow for this legislation to be drafted.

Deputy S.Y. Mézec:

I do not think that cuts the mustard. He said we could leave it to officials. Well, we cannot, we are in a parliamentary debate in the Chamber without officials able to speak. I have certainly not been asked to delay or move anything from my legislative agenda, and I would say no if I were given the chance. So who has offered to change their legislative agenda to accommodate this?

Deputy L.J. Farnham:

Sorry, I will be clearer. Depending on the outcome of this debate, officials will be asked to look at the legislative programme and come back to the Council of Ministers, I presume, because it is down to, I think, the Ministers to agree how we wish to manage that legislative programme. Right now, knowing that there are some gaps, some potential gaps, appearing in the legislative programme, while some have been filled with requests from other Ministers, at this moment in time I firmly believe there will be the space to allow for this. But I will make sure that Ministers are consulted and content with what is proposed. That might mean that, in the Minister for Housing's case, he is not prepared to defer any important legislation but I know that there are other Ministers who would be prepared to do that, depending on, as I said, the outcome of the debate.

The Deputy Bailiff:

Thank you, Chief Minister. Do you want to speak or are you asking the Minister to ask a question?

Deputy K.M. Wilson of St. Clement:

A point of clarification, please, if I might.

The Deputy Bailiff:

Are you prepared to deal with the point of clarification?

Deputy L.J. Farnham:

I am.

Deputy K.M. Wilson:

Could the Chief Minister clarify whether or not his priorities have changed?

Deputy L.J. Farnham:

In relation to what?

Deputy K.M. Wilson:

In relation to the common strategic priorities and the legislative programme underpinning that.

Deputy L.J. Farnham:

No.

2.1.4 Deputy A.F. Curtis of St. Clement:

The point of clarification perhaps has stolen the thunder where I was going and it is a bit of a disappointment, unfortunately the Chief Minister has walked out the room.

The Deputy Bailiff:

He is back.

Deputy A.F. Curtis:

He can have a coffee later. But it feels like the general message from the Chief Minister here is when there is a will there is a way, but I want to frame that in ... well, does that apply to everything that happens in this Assembly? Deputy Mézec highlighted in his request for a clarification the words the Chief Minister shared yesterday: “The Legislative Drafting Office have also advised that they would be able to make arrangements to accommodate this piece of legislation and Government officials would support as necessary to ensure our legislative programme allows for this.” In the context that the Chief Minister has positioned his 2-year Government he said, I am sure, that ... the words he would describe things are is prioritisation and he hopes for delivery. Something has to give here. I took down what he said: “Gaps are appearing in the legislative timetable.” I think that is news to Members who are not in the Council of Ministers. I thought that this really was a legislative timetable that had to meet the bandwidth of a team that is already stretched and that decisions have to be made. I am just trying to think over the last coming up on 3 years now the number of Back-Bencher propositions that have come but ultimately have failed to be delivered either from government resource or from the resource of the legislative drafting team, which of course has a huge amount of work to do across Ministries and that of the aims of Back-Benchers. The view put by the Chief Minister that this is what P.P.C. have said but we can make this happen, it just feels a little unbalanced here because Back-Benchers bring propositions and the first thing a Minister may often do - I think often quite rightly - is say: “Hold on, we see where you are going but we need time and we need realistic timetables” and the Back-Bencher gets a bit frustrated. They go: “No, I want it done now” and the Ministers go: “Hang on, we have to prioritise, we have to balance everything about our workloads.” What they often do is they propose an amendment to the words and they will say: “Well, look, we have got the benefit of a large team of officials who can advise us and we are trying to work on an amendment that could pass”, and here we have the Privileges and Procedures Committee who are acting as a committee that I am sure is apolitical on the matter here, and I see the Chair nodding, this is an apolitical amendment saying: “I hear what the Back-Bencher has brought” in this case Deputy Millar, “but hold on we are offering advice, we need to balance.” I feel the balance meets exactly what the Chief Minister wants, which is to prioritise delivery. If he can assure this Assembly that important legislation is not delayed, that there have not already been attempts to prioritise and limit what the ambition of Ministers is to deliver legislative change, then maybe we could fit this in. But already in a point of clarification he has not come forward with that. He highlighted to the Minister for Housing, well maybe the Minister is not willing to give any leeway, he said, to defer important legislation but other Ministers may be happy to. Happy to defer important legislation? Well, by its name that is important and I think that is what the Island expects us to be here to deliver. Many Members have said why are we debating ourselves, why are we talking around ourselves, we have a lot to deliver. I am sure the Chief Minister agrees so I would really like ... unfortunately he cannot reply to this but I would like him and the Ministers who have a lot to achieve, the Back-Benchers that have ambitions to request from Ministers, from our legislative drafting team to consider that. I will not spend much longer because our job really is to get back to the business of the Assembly which is not this proposition.

2.1.5 Deputy L.V. Feltham of St. Helier Central:

I was prompted to rise to speak actually after listening to the concerns raised by Deputy Scott. I think that that reminded me of the importance of the timeline of Scrutiny, and one thing that has not been mentioned so far in the debate on this amendment is the time that will be required to scrutinise what

is very, very important legislation. I just wanted to raise that because in order to allay the fears of Deputy Scott, and perhaps some other Members, that the legislation may not be as strong as it needs to be. I think it is really important that we acknowledge that allowing the time for proper scrutiny of legislation is incredibly important and perhaps the chair of P.P.C. could clarify that it would be, I believe, the Corporate Services Scrutiny Panel that would be responsible for undertaking that piece of scrutiny. While I have the opportunity, I will put it on record, as Minister for Social Security, that I would not be seeking to delay any of my important legislation in order to accommodate this piece of work.

2.1.6 Deputy P.F.C. Ozouf:

I rise to speak in support of the P.P.C. amendment because it is frankly something that seems to be being set aside by Members, including the Chief Minister, and I am somewhat horrified to hear that there is a glib acceptance that there should somehow be a re-ordering of Government priorities which this Assembly has already agreed on. I have not been made aware by any Minister that they are going to be bumped from the legislative draft. Many of the constituents I have spoken to are wondering what this Assembly in its term of office has actually achieved. We are going to have achieved less - even less - and I wish Ministers well in achieving things by the end of the term so that we can all go to the electorate which cast us all with the same brush. There is not a wide understanding, quite understandably, of States Members, whether they be in the Executive or the non-Executive, because we are all important, we are all individuals, apart from the party but that is fine too. Two parties, sorry. I think that it is absolutely vital that we recognise that changing the structure of our Assembly, as the previous speakers have said, must be done properly. That does not mean with political expedience. The Chief Minister can speak politically, he has always stood in this Assembly and wanted to keep Senators. Well, that is fine but he must not use his position as the Chief Minister to effectively make something happen because he and some of his Government want to do so. I also call to mind ... and I know that there has been some legal advice, but the legal advice is of one opinion. I have looked into, as I know other Members have, the E.C.H.R. (European Convention on Human Rights) and the Venice Convention and the interplay between the 2, and I think that it is careless, frankly, to disregard international standards. We have got the mover of the original proposition absolutely wedded to international standards in the financial services industry. There is no international standard that must not be adhered to in terms of financial services. We have seen the problems in our finance industry that has resulted from it. Here we have the same individual basically simply saying: "No, no, it does not matter" and supported by the Chief Minister and no doubt the Minister for External Relations as well. I am absolutely horrified. The guidance is not arbitrary, we risk doing what we have done before and I ask the mover of the proposition ... forgive me if she has spoken in this amendment debate.

But I am afraid that they had their chance 6 months ago. They could have brought this proposition. I am fully aware that the Minister for External Relations, when he was the Minister for Treasury and Resources, brought forward in February 2013 a proposal to reinstate Senators. It was rejected. That is what happens. He could have brought it back and it could have been brought back in time, but it is not within time and we know that. The law drafting officers apparently can accommodate it. No Ministers, I repeat, have been given any idea of what is going to be removed. I think Members need to be honest, this is not a green light from officials, it is a flashing amber light. We are being asked, as far as I have heard, if we do not support P.P.C. who are ... as we said, they are the guardians of our parliamentary practice, with you accepted as the Overlord, Sir. I was going to make a comment about Speaker Wettenhall, but I will not. The fact is that P.P.C. are a balance between Government and non-Executive. They brought a proposition, brought by a well-respected Constable with a provenance of political service and all rest of it, and she is saying with her committee that we need to make sure that this is done in 2030. We have heard debates about ... and why is that really important? We have heard the debates yesterday about the problems and the Minister for Social Security rightly pointed out that there is going to have to be scrutiny. Are we not scrutinising things

anymore? Are we just going to let something that gets passed by this Assembly just waft, like magic, into law with none of the parliamentary principles that we have to stand by? We know that we are bad at law drafting scrutiny but, no, it is going to be fine apparently for the Chief Minister to say: “Whoosh it goes, off it goes, off to the law drafting and then we are good.”

[11:00]

The Deputy Bailiff:

A point of clarification, Deputy Scott.

Deputy P.F.C. Ozouf:

I am not going to give way, Sir. I will give way at the end of my remarks. Those also are, I think, going to send the message that it is not about voter equity, we do not care about that, we are just going to shovel in a changed voter system without respecting what are the considered opinions that have been debated endlessly in this debate about changing equity. Deputy Scott wisely yesterday, articulated by Deputy Curtis, pointed out all of the problems that are underlying this, frankly, abandonment of principles in terms of voter equity. It is really problematic and, by the way, the other message that is going to be going out is that we are not putting off this issue, we are going to be putting off all the issues that the people are expecting this Assembly to deal with: housing, health, cost of living, competition reform. I would like to see the Competition Authority have its legislation updated but I know there was not any room in the legislation. Cost of living is rising. It is the biggest issue that I come across with people on the doorstep. They say: “What are you doing talking about Senators? We do not want Senators, we want you to get on and do something.” Those are what I am hearing on the doorstep. Time and again. I have not had a single person tell me they want Senators. Not one. I have had people telling me that they want .. well, I must be speaking ... it must be because I have a Parish with my Constable and the other Deputies that is the microcosm of Jersey. We have basically got social deprivation, we have very wealthy residents, we have beautiful farmland, we have French speakers, we have all sorts of people there. I think that St. Saviour is a representative place, it is the microcosm of all strata of society, with terrible voter turnout in Georgetown and that area around there, and those people have welcomed the fact that I have been down there and seen them with my other Deputies. They have seen a political representative. They have not heard from a political representative it seems for a while but they have a Deputy, Deputies and a Constable that is doing something for them. What we are going to do is send out a message that we are actually going to just play with ourselves and basically want to have our egos risen because we are going to have our Senatorial elections. I am very concerned that the Council of Ministers is rather split. That is true. We have a bulldozer effect going through our legislative programme which is going to make our people’s priorities a problem, a delivery. I have been a Senator, I have been in this Assembly when the Senators used to sit there. Frankly, it did not matter whether there were Senators here or not. It did not make any difference. What the public want is outcomes. Outcomes that change and improve their lives. I am sorry but I am going to not speak for the full allocation of my time. I am going to try and urge Members to support the proper, considered, balanced, independent, thoughtful proposal of the mover of this proposition. Let us return to real work that the public sent us here in 2022 to do. Let us not spend any more time debating in this Assembly about ourselves because I do not think the Island ... I have not seen one opinion poll, not one piece of research, that this is going to be an urgent priority for people in 2030. It is not so far as the research I have carried out. Let us take a moment to prove that we are capable of putting democracy above self-interest of some parties and individuals, let us put ourselves in the proper place where there should be proper legislative scrutiny, there should be proper respect for international standards and there should be a proper mature debate. Let us have a debate about Senators in the next election. I am not allowed to have a prop but I brought my Senatorial badge there for when I was standing for Senator and I put an extra thing on it says: “Ozouf not for Senator in 2026.” That is my position and I hope it is actually going to be never, but that will be for the main debate. I have been one, it does not make any difference.

What the public what is outcomes and I say well done to the chairman of P.P.C. and I hope that she will be taken seriously because she is acting in this Assembly's and this Island's interest.

Deputy M.R. Scott:

I had a point of clarification.

The Deputy Bailiff:

Will you accept a point of clarification from Deputy Scott?

Deputy P.F.C. Ozouf:

Yes.

Deputy M.R. Scott:

Thank you. In fact I have 2. First of all, the Deputy suggested there would be no scrutiny. I just wondered if he accepted that the Corporate Services Scrutiny Panel has a role in this and whether he is suggesting that they would not be doing the work?

Deputy P.F.C. Ozouf:

I am not on Scrutiny. I do not really understand the question. Is the question about whether the Corporate Services Security Panel ... there is not a Minister, there is a panel. But I know that scrutiny takes time. I know that scrutiny takes time with legislative amendments of the most serious type. This is changing the constitution of the States. It needs to be consulted upon. It needs to be properly done and I do not understand what the questioner is saying.

Deputy M.R. Scott:

Thank you. I notice the chair of that panel already has spoken in this debate. Also the point regarding the Jersey Competition Authority, which actually is partly within my Ministerial remit. Has the Deputy been working on a proposition seeking improvements? Because I notice it is not on the ...

Deputy P.F.C. Ozouf:

That is not relevant to this debate, but absolutely I am not the only one, there are lots of people who are wanting the people's priority put into legislation. I am looking at my Reform colleagues along the other side, they are trying to do things, maybe people want to stop them doing some things. Democracy has its way, there are lots of things that need to be done. We have a Minister for Planning that has problems. We have lots of laws that we need to change to improve the people's lives and this does not. I have been a Senator, it does not make much difference. If somebody has been a Senator and says it is going to make much difference, they can please speak in in this debate now. Thank you. I do not think that was a relevant clarification point.

The Deputy Bailiff:

Thank you. Deputy Binet, do you want to speak in due course or do you want to ask a question of Deputy Ozouf? Thank you very much.

2.1.7 Deputy P.M. Bailhache of St. Clement:

In constitutional matters, due process is really important. We should not rush things through without allowing sufficient time for all the appropriate mechanisms of our procedures to be implemented. That means that we have to allow sufficient time for the drafting of this law. Experience tells me that it is very likely that there will be amendments to the law when it is drafted. Sufficient time must be allowed for the drafting of the amendments. It seems to me blindingly obvious that it is going to be extremely difficult to have this law debated before the summer recess. It is possible, but it seems to me to be unlikely. I look then at the Venice Commission guidelines, which are reported in the report of the Privileges and Procedures Committee. Election legislation should be enacted

sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. That is the international standard. Like Deputy Ozouf, I would be really interested to know from the Minister for External Relations why it is that this particular international standard is not important and can be put on one side, when over and over again he comes to the Assembly and tells us that we have to pass this legislation and that legislation because we need to comply with international standards. I think that the amendment of the Privileges and Procedures Committee is a very sensible amendment. It does not judge the question of whether or not there should be a reintroduction of the Island-wide mandate, it merely says that if it is going to be done then let us do it in due time and with proper regard to due process. That seems to me to be absolutely right.

2.1.8 Deputy T.J.A. Binet of St. Saviour:

It would appear that Deputy Ozouf has started his election campaign extremely early this year because he is hearing an awful lot of information on various doorsteps. I happened to stand in the same constituency as the Deputy at the last election and contrary to what Deputy Ozouf reports, an awful lot of people told me that they felt desperately disenfranchised by the changes that had been made, and I think it was probably the single most important thing for them to have the office of Senator reinstated. On a personal level, I think that elections and items of this sort are of great importance and I think that we should prioritise them if the Assembly decides to take that decision. I do not often disagree with Deputy Bailhache but on this occasion I think it is that important we should put it as a top priority.

Deputy P.F.C. Ozouf:

Would the Member give way kindly.

The Deputy Bailiff:

Are you prepared to give way for a point of clarification?

Deputy P.F.C. Ozouf:

With the greatest of respect to my colleague Deputy, who I know is very busy, he said that, and he is working very hard, would he please just state there is a time difference between ... and it is not an election now but the election in 2022 was 3 years ago and that opinions have changed and is he aware of that now?

The Deputy Bailiff:

Is that a point of clarification or ...

Deputy P.F.C. Ozouf:

Would he say that his up-to-date information is that that is still relevant now because things have moved on?

Deputy T.J.A. Binet:

I do not accept that at all. I talked to an awful lot of people in the course of my work, probably more than I have ever spoken to in the course of my life, and I believe the sentiment is exactly the same as it was in 2022. I would also make the point that a lot of older people take the time to go out and vote. If we wait another 5 years, some of those people, that may include me, may not have the opportunity to vote for Senators again. So, once again, I urge the Assembly to (a) vote for it and (b) to proceed with speed if it passes.

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

I am going to start by saying that I will not be taking any points of clarification. I have to say maybe we are moving towards the sort of behaviour of the Australian Parliament with the number of spurious

points of order - I am sure you have to deal with those in your own way - and points of clarification. Let us just have our speech and sit down and then somebody else can make a speech. I think it is rather sad the way we have moved into this need to have second and third speeches. Anyway to get back to the point. We are clearly moving into the main debate now. What we are basically trying to do, some of us, is to kick this into the long grass, to kick the can down the road. There is no question that if this is approved, what Privileges and Procedures are proposing, then that is basically it for Senators because the next Assembly will probably want to take a different view and they may well want to re-debate it. So we either accept that there is a need to have a Senatorial election next year or we do not. It is interesting that we obviously all talk to different people. I was pleased to welcome the Irish community, quite a lot of them, into the Town Hall on Sunday to celebrate St. Patrick's Day, and when I was speaking at the end of it and welcoming the guest from the embassy, I said that I would bring the guest to the States Assembly to show him and his wife the place where I have spent so much of my time. I was explaining the Jersey system, including the role of Senators that was on the agenda for this week. At this point, I just took a straw poll of those in the room, more than 100 of them - it is true some of them had had a Guinness or 2 - and I said to them: "What is the view of the group? Who wants Senators back?" and probably about 70/30 said: "We want Senators, we want a chance to vote for some Senators." Some Members have been criticising the mover of the proposition or criticising the proposition itself for a lack of consultation. Well, Deputy Millar did a roadshow effectively around the Parishes, not unlike the Senatorial roadshow that it was my pleasure along with the other Constables, I think, to chair. There is no question in my mind that back in the day when we had Senators that Senatorial roadshow was a source of great interest and it generated interest in the forthcoming election. Deputy Bailhache was saying that we are moving into uncharted territory, we are bringing in new provisions. This is an old provision for our democracy. We had Senators for years, so we are going back ... basically we are going back to having Senators. We do not need to reinvent the wheel. The idea that has been promulgated in recent speeches is that there is this huge impact on the law drafting programme from effectively putting back Senators into the mix for next year.

[11:15]

I would urge Members, if you believe that the public want a chance to vote for Senators next year, then reject the proposition from P.P.C.. Where there is a will there is a way, law drafting time will be made, the matter will be brought back to the Assembly for scrutiny and for a debate. I think there will be a lot of very happy voters out there if we make that decision. That is my personal view.

2.1.10 Deputy M. Tadier of St. Brelade:

So it begins, the political opportunism. We have heard a lot about the older generation and they are clearly very important. Clearly, if you are a tactician when it comes to an election, and when we have our discussions, you decide do you play to the electorate that already votes or do you try and increase the votership so that the majority of people in Jersey vote. The majority of people in Jersey do not vote, that is the reality of what we have at the moment. They did not stop voting when we had ... they did not start voting when we had Senators and they did not stop voting particularly when we did not have Senators. There were other deep-seated issues that I think actually the *J.E.P. (Jersey Evening Post)* today in its editorial ... although it takes I think an unnecessary swipe at politicians saying that we are privileged, pale and stale, which I think is unfortunate and probably falls foul arguably of some of the anti-discrimination legislation. Other points that they make are quite valid about Members needing to represent real issues, not be fixated on esoteric electoral systems that do not benefit people. A few weeks ago I asked a question to the Minister for Education and Lifelong Learning about what consultation there had been with young people about the changes to our electoral system, the electoral system that we seem to be intent on chopping and changing at a whim, only after one election when the system has not had a chance to bed in. Because the focus on this whole debate has been on going back to the past, it is about an ossified system. It is about a system which

is broken and always was broken in the past, and not about how we make progress but how we make a 2-step back rather than the step forward that we have made. Of course, there is a tiny minority of people who do not like change. Let us be honest; look at who turned up to those Parish meetings. If they are banging our doors down when we were supposed to be banging their doors down during the election period, of course they were saying: "Why are you changing it?" It is not because they necessarily thought that having an Island-wide mandate was better for democracy; it is because it goes back to that fundamental point of human nature; that humans do not like change. I cannot remember if it was in this term or in the last term, but I gave the analogy of my dad's beard. I said that when my dad was younger, much before I was born, he came back home one day and he decided to grow a beard. My grandfather said to him: "Louis, that beard does not suit you. You should shave it off." But he kept coming for a few weeks and after a couple of months he had the established beard. Then one day, all of a sudden, he turned up and the beard was shaved off. And he said to him: "Louis, why did you shave your beard off? It suited you." Now, this is what we are at risk of doing with this electoral cycle. We have only had one election. Was it so terrible that the results were not what we wanted? Or were not what served the people? The real truth is, when we go back to the electorate next time, and when potentially Deputy Binet is seeking re-election in St. Saviour, potentially along with Deputy Ozouf, they will knock on the door and they will say - there might be a younger generation of voters who voted for the first time at the 2022 elections - who say: "Why do you keep changing it? We were just getting used to the new system." Or: "This is the first election I voted in and I have never had to vote for Senators. Why are you asking me to vote for 3 Members which are all doing the same job, when I am already trying to figure out why you insist on us voting for 2 different memberships?" The point is with this, first of all, yes it will be rushed. We had a desperate email, I thought, last night from the Chief Minister who says: "Do not worry; we can do this. I have asked the law drafting people to prioritise this piece of work." Really? You are the Chief Minister; surely, he should be impartial when it comes to this issue.

Deputy L.J. Farnham:

Will the Deputy give way, Sir?

Deputy M. Tadier:

I will not give way, Sir; I do not think he has spoken yet. And saying: "I have spoken to them and they can do this in good time." But what is the consequence of that? Does this mean that other important governmental business - other law drafting that may be coming through from Back-Benchers potentially - is that going to be put on hold just so that we can rush something through? Would it not be better to have a proper consultation with everybody? Not just a handful of people around the Parishes on a winter's night who might have come out because they already agreed with something. I want to know what people under 35 think about these electoral changes. The vast majority of people, as I have said, in Jersey do not vote and in that particular section that is even much more pronounced; so if we want to alienate our young people in the Island - I say "young", it is really anyone under 50, let us face it - anybody who does not feel part of Jersey can also be included in that. Because we want to play to a subsection of the already voting and well-connected parts of Jersey who do vote. Then let us do that in a considered manner, because I want to know what they think. I want to know what people who do not vote think about our current system and what can be done to engage them. Remember, these are people who are registered to vote already. We are not talking about the many thousands of people in Jersey who do not bother registering to vote, even though they can; so the actual figure is much higher than it might be. I think that there are very compelling reasons to take a pause here, because we do not want rushed legislation coming through. We all need to have a proper consultation and that consultation period will ultimately be the next election, will it not? Many of us might be standing for re-election in 2026; there will be great opportunities for us to actually knock doors. In fact, the irony is the Senators who are saying: "We know what people want because we knocked on their doors", they will not be knocking on doors in

the next election. It will be the Deputies and the Constables knocking on those doors, because Constables will definitely have to face an election, even if it is against none of the above, which was not an easy task for some of them. All of them have been elected under the current system, in the same way that the Deputies were. Obviously in a different way, but in an equally valid way to bring them here to give them that legitimacy. On balance, we are not here to make rushed decisions. We do have a body that we have charged; it is called the Privileges and Procedures Committee who have considered this matter. Some of them, of course, might be supportive ultimately of bringing the Island-wide mandate back, but as a body representing this Assembly, if we do not have confidence in them then a vote of no confidence should be forthcoming. But I have not seen that; I am not suggesting it because I do have confidence in them. It is a mixed body, partly elected by us and of course appointed by that set formula. Let us let them do their work; let us listen to them; and then let us listen to the electorate and our constituents, not just the ones who shout the loudest on this, for all parts of our Island, and see if we can have an enhanced system. The last point, we do have a very representative system at the moment. Just to call out our friend in the gallery, he is not the editor. But when we are told that we are pale and we are unrepresentative and that we are stale and we are privileged ... I certainly feel a bit pale at this time of year, but that is more to do with the fact that it is winter. I joked in the coffee room that if we all turned up one day with very good tans, they would probably also criticise us for not being pale. Of course, we do have Members of the Assembly who are not pale and that is to be welcomed. I think we are getting into very dodgy territory and it is the *J.E.P.* who started this narrative. But the point is, we have an Assembly which has got more women in it than it has ever had; the majority of the Deputies are women and a significant proportion of the Assembly overall, including some very esteemed Constables that are obviously of that gender. That is not what defines us, but it does show the fact that we have all got different backgrounds, different experiences. Of course, that was not the case for Senators, by the way. It was often a certain type of person who could stand for Senator; somebody already with a high profile, often with good financial backing - either because they were wealthy individuals or they had a party that can back them - and that is of course what we will see. Let us think about what the unintended consequences might be during that pause and if it is still a good idea to bring Senators back - the Island-wide mandate back - after the next election, because that is the feedback that we have, we can do it in a much more considered manner and in a much more holistic way.

2.1.11 Deputy S.Y. Mézec:

Deputy Tadier said he wanted to hear from people below the age of 35, so I am happy to oblige him while I still have that opportunity. **[Laughter]** I am also pleased to follow on, before Deputy Tadier, from the current version of the Constable of St. Helier who seems to flip-flop on this issue from cycle to cycle. I would remind him that he is setting himself up to vote for a proposition that the data proves delivers worse voter equity for his parishioners in St. Helier. He can talk about his straw poll at one Parish Hall event, but may I remind him that when there was a referendum on this subject, 86 per cent of his parishioners voted against having Senators in the electoral system. A year later, his was the only Parish that voted to remove the Constables from the Assembly, so I have no idea what mandate he thinks he is pursuing with his position in this debate. If the legislation to implement P.2 is ready for debate and approval by this Assembly before the summer, I will eat my hat. There is no chance of it; the words that have been given to us by the Chief Minister simply do not stand up to scrutiny. Let us remember that we took 5 years to produce half a page of legislation to ban exclusivity clauses in zero-hours contracts.

When I was Minister for Children, I was consistently told by my officers how difficult and complicated it would be to produce the legislation to ban discrimination against tenants with children. That ended up being half a page of legislation and took years to deliver. It is absolutely not as simple as simply going back to what law we had before 2022, copying and pasting it, and implementing it this time. Because when the law was produced for the 2022 election, as well as changing the composition of the Assembly it also included lots of other relatively minor but important changes to

make our election system smoother that you will not be able to easily transfer to the pre-2022 legislation. It is going to be a complicated exercise to do that and an exercise that will be costly to us all if anything is gotten wrong in that process. If there is a line that does not quite work out properly, something that is missed or one connection between this section and another section that just is not quite there, the consequences can be devastating. Let us not forget that we discovered shortly after the 2018 election that most of us in this Assembly at that time had inadvertently broken the electoral law because we had not filled in our election expenses properly in accordance with the law. That was an entirely innocent mistake. None of us did that on purpose, it was based on the advice we got at the time, but it was wrong and the Election Law had been broken. What that must have done to have undermined faith in politics at that time. There is a cost to getting these things wrong. That is not to say that if we are going to go at pace to try to get this legislation accommodated for as soon as possible, there are going to have to be things that are put aside in order to do that; so I want to ask - and this is to Ministers and Back-Benchers alike - who is volunteering to give up their time so that their priority can be cast aside for this? I can say when it comes to housing legislation drafting time, you can pry it out of my cold dead hands. I am not giving it up at all because we have a housing crisis that ought to be a much greater priority than what we have now spent days debating in here ourselves because some people want us to go back to the past, revert our electoral system to one that was - as the evidence shows us - overwhelmingly unpopular. A reminder to Deputy Binet, he can talk about the anecdotal conversations he had on the doorstep, but in his Parish when there was an actual vote on it, 83 per cent of voters came out and voted against what he thinks is so popular in that constituency. But we can just ignore that evidence, because we ignore what is inconvenient to us when doing this. I ask Members to consider who is going to give up what, what Back-Bencher priority will we not be able to proceed with, and how often we hear those arguments when a Back-Bencher brings a proposition and Ministers have to stand up and say: "Oh no, we cannot. No, we have to change the date for that. No, it cannot be accommodated in this way because it is not possible." But lo and behold, on the basis of what the Chief Minister says he has been told, they can simply "make arrangements." Oh, great. Well, we can make arrangements for everything else then. We can make arrangements to sort out our healthcare system that is in crisis at the moment; we can make arrangements to deal with the growing inequality in the Island; we can do it all. But when it comes to the reality of that, we are told we cannot. But electoral reform: "Oh, yes. Do not worry. We got it; we can do it. There are gaps that we can slip it in." The reality here is that this will not be debated before the summer recess. The chair of P.P.C. raised 2 risks associated with not going ahead with her amendment. I can tell her that there is a third risk involved in that as well, which is that which Deputy Bailhache raised. In fact, I am regretting my choice of words there. It is not actually a risk; it is a certainty, which is that when the legislation comes through, there will be amendments to it because some of us will not give up on the idea of voter equity and making our system fairer and more equal across the Island in the face of some of those who would see us go backwards and make it more unfair for some of our constituents.

[11:30]

Whatever decision we make today, if an iteration of P.2 is adopted, whether it is before the summer recess or after - I think after - we are going to go through this exercise all over again with amendments and it is going to be a complete, unedifying mess. At least with the amendment from P.P.C., that gives time to make sure we have got it right, that every line in that legislation aligns properly and we do not sleepwalk into an election where we end up falling over ourselves in the way that we have done previously, mistakes being made, forms not being filled out properly, election expenses not being declared properly; all of that undermines faith in our democratic process and, frankly, is an embarrassment. Let us do it and get it right and let us vote for the amendment by P.P.C.

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

With the greatest of respect to the Privileges and Procedures Committee, I will not be supporting this amendment; that will come as no surprise. I would like to remind everyone of the Attorney General's clear and unambiguous advice yesterday as regards the Venice Commission and human rights aspects. I am not going to repeat that. On the question of international standards and electoral mechanisms, if France decided to elect Marine Le Pen as Prime Minister or President, would we stop engaging with France? No, we would not. If any country changed its electoral mechanisms such that we did not like, would we stop engaging with them? Would we create sanctions? No, we would not. We would continue engaging with them because it is not really any of our business what other people do. We are entitled - I think as the Attorney General said - to create mechanisms that suit us. We are in the middle of March 2025, and it is proposed that the next general election should take place on 7th June next year. That has yet to be debated. My proposition was lodged in early January. We have known about it since, I think broadly, the first week in January, and I agreed ... I did discuss it with the chair of the P.P.C., and I accept it is a tight timetable. But I delayed the debate at the request of a Member and also, as I said in my report, to allow Members to conduct such consultation as they saw fit. If Deputy Tadier wanted to consult young people, he has had adequate time to do so. I have provided a platform for Members of the public to come and express their views; many of them have done so. I have been open about the shortcomings of those meetings, unlike Deputy Mézec, who consistently bandies around big percentages but fails to include the relevant piece of information that the turnout was 26 per cent, but I am not going to get into that again. We have 15 months' time to do this before the next election. If the Assembly makes a decision to bring back Senators in March 2025, I believe the public will expect that decision to be implemented in June 2026, as indicated in the proposition. Not to do so and to wait for another 5 years - I agree with Deputy Miles - would do this Assembly's reputation and credibility no good at all. Lack of trust comes from not listening to the electorate. I believe that there is a very clear ... despite what Deputy Ozouf says; he says not one person has told him they want Senators back. He came to the public meeting where 3 people told him very clearly and very passionately that they did. I accept it was only 3 people, but they told him that was what they wanted. Voter turnout was not enhanced by the removal of Senators. In fact, voter turnout fell in 2022. I do fear that this is a wrecking amendment because we all know that one Assembly cannot bind its successor and we do not know what the next Assembly will do. I am asking you to make a decision now and not to kick the can down the road, not to prove to those members of the public right who said they will not vote for this because why would turkeys vote for Christmas? If the Assembly supports the return of Senators, then this Assembly should see the return of Senators from 2026 and not in another 5 years. I believe that the legislative changes that would be required if my proposition is adopted are not especially difficult. The law drafters are experienced people and they know what they are doing. I suspect that they will already know what is required; they will already have been thinking about it and, to a great extent, they will be returning to previous drafting. I have just had a quick look at the previous legislation to remove Senators and create the districts. It was 4 pages. It was 4 pages of amendments to the main law, I believe; a schedule setting out the numbers of Deputies and then a schedule of consequential amendments. It will be a relatively simple matter to unwind all those changes which were given, as everybody says, careful thought. The legislation should comfortably be before the Assembly before the summer recess, which will be a year in advance of the next election. I find Deputy Mézec's laying down of the gauntlet somewhat depressing: that if this Assembly votes for my proposition today, they will have another go at wrecking it when the actual legislation comes forward. In terms of timetabling, the Law Drafting Office will, I am sure, seek to respond to the wishes of this Assembly as they do with any other proposition that has a clear timetable, as will the States Greffe. A timetable is clear and they will work towards that. I will just confirm this is not a subject that has been discussed at Council of Ministers. Council of Ministers has noted it is there and we have simply agreed it is a free vote. I do not recall there being any further discussion on matters such as this. It is a free vote; we do not talk about it. I have not approached any Minister or any member of Government to defer legislation. I do not believe that will be necessary. I believe that the Law Drafting Office will try to schedule

things as they see fit to get this work through. I do not believe this has stopped the work of Government. No Minister here has delayed their work timetable - I believe - nor has any Back-Bencher, nor has any Scrutiny Panel delayed their work because of this. The administration of the 2026 election will be little different to that of the 2018 election and previous elections. Going back to the legislative programme, I will make the offer openly and clearly now that if P.P.C. is too busy to deal with this or if it has other things that it considers to be more important, I am more than happy to help. I am more than happy to help with the work and be co-opted on to do it, because I feel strongly about this and I am more than willing to help to do that. I can only emphasise again that there is nothing whimsical about the proposition. There is nothing new in what I am suggesting. I am suggesting a return to something that existed for 70 years: a category of Member with an Island-wide mandate. The public do care about this. I am absolutely convinced of that. Certainly, the voting public - for many of us - care and I am quite sure that many of your constituents will have told you. If they have not, maybe you are knocking on different doors. But for many, this matters. I am not suggesting that we have A.I. (artificial intelligence) avatars turning up at hustings. I am not suggesting 3 super-constituencies. I am not suggesting anything that we have not seen before. There is nothing novel about this. It can easily be done. We are not challenging people to understand something that they have not understood for decades. I note, however, that P.20/2025, lodged by Deputy Alves - who is also the vice-chair of P.P.C. - also proposes changes that would impact on the next election in respect of eligibility criteria. I believe it is a repeat, or a very similar proposition, to one that was lodged by Deputy Tadier - not for the first time - in December, which we debated and rejected in December. This again is somewhat at odds with what we have been told yesterday: that Reform Jersey are not interested in focusing on electoral reform, but rather on things that matter. Things that matter are still happening. If Deputy Alves' proposition is adopted, the legislative changes could be more complex than they are in respect of reinstating Senators; such is the nature of what is being proposed. That proposition does do something new and will require considerable thought and consideration by Law Drafting. I say again, mine is just returning to a well-known concept.

Deputy T.A. Coles of St. Helier South:

Sir, a point of clarification, if I may?

The Deputy Bailiff:

Are you prepared to give way?

Deputy M.E. Millar:

No, Sir. I would rather finish and then deal with questions, if that is acceptable.

The Deputy Bailiff:

Yes, of course, yes.

Deputy M.E. Millar:

But Deputy Alves has also set a date in her proposition to bring those changes into effect in time for the 2026 election. I would assume that if Members accept P.P.C.'s proposition that we can look forward to seeing Deputy Alves withdraw her proposition because it is too close to the election to be debated and effected. I would also say to Deputy Ozouf, he is asking people to put democracy above self-interest. That is exactly what I am asking people to do. I am asking people to consider the will of the public, and the will of the public is what democracy is all about. I believe that the changes in my proposition can comfortably be delivered in time for 2026, and I ask Members to reject the amendment.

The Deputy Bailiff:

Are you prepared to accept the clarification request from Deputy Coles?

Deputy M.E. Millar:

Yes, Sir.

2.1.13 Deputy T.A. Coles:

The Deputy said that the legislative work required for Deputy Alves' proposition, which has only just been lodged, would be significantly more than this. I just want to know what evidence she has to support that claim.

Deputy M.E. Millar:

The evidence I have is that this is an entirely new proposition, which is not in legislation. I believe it is an entirely new thing. It goes to electoral eligibility. People will have to consider how that is drafted, what the exact terms of that are, and to avoid mistakes. It is an entirely new drafting. Mine will simply be reinstating words that had been taken out on an earlier occasion.

2.1.14 Deputy T.A. Coles:

Does the Deputy not acknowledge that there are eligibility criteria to stand for election currently, so this is not a new piece of legislation, it is amending existing?

The Deputy Bailiff:

I think we are getting into an argument now and not clarification, so you need not deal with that.

Deputy P.F.C. Ozouf:

I think I have a genuine point of clarification, Sir.

The Deputy Bailiff:

Are you prepared to accept a point of clarification from Deputy Ozouf?

Deputy M.E. Millar:

No, Sir.

The Deputy Bailiff:

No. Who wishes to speak next?

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

This, on the surface, appears to be a process debate and I do not criticise the chair of P.P.C. for bringing forward this amendment which would seek to push, ultimately, a decision about whether to reintroduce the Senatorial office off until (a) the next Assembly and (b) the election after next. It is that juxtaposition between a process debate and a fundamental debate about whether we want to reintroduce the Senatorial office that I just want to remind Members of. In answer to Deputy Tadier, we have heard Deputy Mézec say in his under-35 year-old view that he does not want to see Senators reintroduced; I was contacted by 2 under-35 year-olds who both said they did wish to see Senators introduced. One of them, though, it was only their second choice. Their first choice was the reintroduction of absolute monarchy, which I think would probably please you more than it would please us in this Assembly. But we will put that to one side. So, is this a process debate? Well, it could be argued it was a process debate if there were not sufficient time. I think the idea of sufficient time is one that has been explored and been answered very ably by Deputy Millar that in our system we have a system of in-principle debates prior to the legislation being brought forward. This in-principle debate is the principle of whether we should reintroduce Senators or not, or the Island-wide mandate or not. The title is neither here nor there; it is about the Island-wide mandate. We must be very careful not to confuse what is being portrayed as a process debate because of the Venice Commission requirements which says, yes, a year should be allowed to elapse before changes. This

is a debate about the change. We will then come forward with the legislation, and a lot has been said about the time that the legislation might take to be brought forward.

[11:45]

I err to the view that it is not as complex and complicated as some Members have tried to indicate, and that it can be done and brought forward in advance of the summer recess. Of course there will be amendments, because every single time electoral change has been proposed in this Assembly, there have been amendments too numerous to count. We might think we have been here a long time so far this week, but the number of amendments that we have had to this proposal is probably fewer than we might have expected. I do not ultimately think this is a process debate; this is a debate in which those who are in favour of reintroducing the electoral office are going to have to vote twice to reintroduce an Island-wide electoral mandate. They will have to vote against this amendment, which pushes off the decision and therefore we cannot be certain that it will be delivered. The reason I cast doubt on whether it can be certain that an Island-wide mandate can be delivered if we accept this, is because we heard a number of eloquent speeches from my coalition colleagues about the fact that they believe what they have currently got is only a compromise. Fundamentally, they do not agree with it; they accepted it because it was a compromise. They fundamentally want to see in this Assembly a single type of Member. That is an entirely legitimate position to take and they have been consistent in taking that view. They want to see a single type of Member in this Assembly. I look across to my good friends on the Connétables bench and I ask them to do the mathematics. When our colleagues are suggesting that they want to see a single type of Member, are they somehow going to multiply the number of Connétables so that each Parish has got a proportionate number of Connétables? I do not believe they are. I believe that the single Member, ultimately, in this Assembly of their manifesto commitment and their ultimate desire - for all the reasons I respect - is to see just Deputies. This, for me, is why it is incredibly important that we bring back the Island-wide mandate. I know it is not perfect for every Islander and I know that Islanders say they want an Island-wide mandate and then they start to ask questions about should we have 2 election days. Should we go back to - Deputy Mézec made a fantastic speech yesterday - to revert us back to the system we had in place prior to 2005 where we had an Island-wide mandate and you had that stability because you only elected half of them at any given election. If he had been proposing that, he would have had my full support as a colleague in this place. We have to be very careful that we do not, by thinking that we are doing the right thing from a process perspective - even though I do not think we are, because I think there is sufficient time to deliver this from a process perspective and not fall foul of the Venice Convention and international standards requirements - that in allowing that argument to win the day, we are ultimately saying that is the end of the Island-wide office. It will not be possible, I believe, in the election in 2030 to bring it back again then, for all of the reasons that I have just articulated. That will be, whether we like it or not, whether we have got a referendum result that overwhelmingly wanted to keep Constables, that will also lead to the end of the office of Constable. I close by reiterating what Deputy Miles said. Those of us who want to see the reintroduction of the Island-wide mandate, if it is successful today - and I hope it is - are we really going to go back to the electorate and say: "Well, we have agreed in principle but, we are terribly sorry, it is going to take us another 4 years to be able to revert to something that we have been doing for 70 years, but the world is such a changed place that it is now going to take us another 4 years to do that." I do not believe that that is credible. I absolutely accept, as Deputy Ozouf said, Islanders have got many priorities and they want us to be dealing with many issues, and they want us to deal with those issues all at the same time. I believe that this is an issue that Islanders want to see us delivering, and it can be delivered while we are dealing with all of the other people's priorities as well.

The Deputy Bailiff:

Deputy Gorst, it is a small point. As you know, I cannot express any opinions in this Chamber - rightly so - unless allowed by a Standing Order. But I would like you to confirm for the purpose of

Hansard that you were just joking when you said that I was a fan of absolute monarchy. **[Laughter]** I would not want people reading the transcript of today to think that that was a widely held, acknowledged view of mine that you were merely communicating to the world at large.

Deputy I.J. Gorst:

It was nothing to do with your personal opinion, Sir. I would not presume to bring that into any States debate ever. That would be highly inappropriate. Merely that the office of Bailiff and Deputy Bailiff is appointed by His Majesty.

The Deputy Bailiff:

Absolutely. Thank you very much.

2.1.16 Deputy J. Renouf:

Yes, very briefly. I must say I find it slightly depressing to see matters of process so easily dismissed in this Assembly. International standards seem to be just slipping away when it comes to something that is strongly desired by some Members. The committee that we charge with looking into these matters has come to a considered view about the timetable that is required, and we have had other very clear arguments made about why there is a need for this to be considered slightly longer than the people who are supporting P.2 would like. It does suggest to me a considerable lack of confidence in Members in our belief in doing the right thing. Are we going to be bullied into bad practice because we fear some people on the doorstep saying to us: “Well, you spent too long getting this right?” I think we should have more confidence in our belief in what is right and proper and following good practice. I am afraid I do see it as slightly symptomatic of the casualness with which this proposition has been approached. It has been approached on the basis that the return of Senators is self-evidently a good thing, that it raises no further issues than have been raised previously by having Senators in the Assembly, and that is not the case. It is not that simple. There are these questions of whether or not we will return to staggered elections. There are other questions around boundaries, which we have seen have been not supported to a debate but will now have to be considered by P.P.C. I think there was something of a slight slippage in Deputy Gorst’s argument around getting rid of the Constables, maybe an attempt to rally the vote; I do not know, but it has nothing to do with this question of whether or not we should follow due process and allow a proper examination of the changes that may or may not be coming.

2.1.17 Deputy T.A. Coles:

Sir, I am very glad that you are in the Chair today because it reminds me of one of my first amendments that I brought to this Assembly and that you ...

The Deputy Bailiff:

I remember it well.

Deputy T.A. Coles:

... came to my defence in my poor choice of words, which has then made me very aware since that day to make sure that my words are correct. Of course, this also means that when we read things, we have to interpret what these words mean and what they can mean for the consequences. This is where I look at the Chief Minister’s email from last night, and there are some words in there which are very non-committal, but obviously he is trying to make the point that this is a confirmation that they can do something because this work would take “approximately” 3 months. That means it could take more; it could take less. That is an approximation; it is a guess. There are things that could be unforeseen; we hear a lot in this Chamber about unforeseen consequences. When we start to do things we open Pandora’s box, as it were, and find new things that we did not realise before. But of course, Deputy Millar inserts that this is nothing new. Well actually, it is because the last time we had Senators we had multiple districts across the Island, not just 9. We were not just selectively

removing 9 Deputies from one to reinstate, so this is something new, even if there was a previous template that was drafted in the 1940s. Of course, that has all moved on quite a bit, has it not? My favourite word in this, though, is around the: “Necessary legislation could be ready for debate before the summer recess.” Now, I used to work in the private sector for a big multinational corporation and the word “could” was always thrown around quite nicely. “If you need help, we could get you more staff to help you with that.” Of course, that never happened. I was always having to try and do things with one man lighter than I could have needed. So again, a certain level of uncertainty. We have to remember that the election date has been posted and is open to amendments; I have heard that there is potentially an amendment to that date to maybe bring it earlier. Now, of course, that is absolutely speculative until the point that it is actually lodged, because the Member who has mentioned this may choose to change their mind and of course, then, that does not matter. But if it is to bring the date earlier in the year then all of a sudden this timetable is shifted again. While we are already looking at the date for the summer recess, the final sitting is in July; I think it starts on 8th July, if I am correct, which would mean that the legislation - if it is not at the absolute last point before the summer recess - is coming within 11 months of the election already. Notwithstanding if the Member does choose to bring an amendment to the election day, that then maybe will be within 7 months of the election. This Island does pride itself on trying to meet international best standards; we have a reputation to maintain when it comes to our standards, especially within finance and governance, and we talk about political stability but all of a sudden, we are going to throw out this by saying: “Well, this is just something that we want.” I must admit, I have been staggered by the numbers that I have heard bandied around today in support for this proposition. Deputy Millar espies that Deputy Ozouf had 3 people support this, and then Deputy Gorst, 2 people. I mean I am glad I have got a hand because I can count all of those. I think we do have to make sure that things are done properly; there is no certainty in this. We have to also remember that Law Drafting works under the Greffier of the Assembly and so is administered by P.P.C., so this is where it is important that the advice that comes through from P.P.C. comes from that. Personally, I do believe it should hold more weight in this Assembly. Again, we have to remember Scrutiny. This cannot be rushed. As Deputy Mézec has alluded before, the previous changes to this legislation did have errors and it meant that these errors had to be rectified post. We cannot and we should not be rushing through legislation which has not been properly scrutinised. If we did already have a Senate, maybe that could have scrutinised it effectively itself, but then that is another debate that would require more thought and should not be rushed. My other point is that some of the people who support the return of the Island-wide mandate seem worried and they need to rush to get it through within this sitting of the Assembly, because maybe it is not as popular a decision as they think and they would like it to be re-established now so they do not have to go back out on the doorstep and try and prove again that this is something that is wanted. Because if it is something that is wanted and they do have to fight another election on this, then surely they should be comfortable in the knowledge that it is so widely popular that they will return to their seats and therefore be able to push this through in time for the 2030 election. That way they can follow good process, as well as know in the confidence that their policy on this matter is in good standing with the public.

Deputy K.F. Morel:

Hopefully this will not be necessary, but I just wanted to give notice to the Assembly that in half an hour I will propose that we cut short this debate under Standing Order 84. **[Approbation]**

The Deputy Bailiff:

Thank you.

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

Thank you to the Greffier for enabling me to attend today in this format. It has been very interesting to listen to all of this debate, and there seems to be a number of areas that are really quite interesting.

To hear the Minister for External Relations say that we must not fall foul of international requirements is, I think, ironic, at least. As chair of C.P.A. - somebody who goes to other jurisdictions representing Jersey to comment on their electoral processes - to hear people perhaps suggest that it is not important that we take note of what is said to us and follow international procedure, I think is a real issue for us.

[12:00]

It is also very nice to be able to say that those voices of reason here are from across the Assembly. I was going to say yesterday that I was in a position of agreeing with Deputy Ozouf, for Hansard. I can now say today that I am in a position of agreeing with Deputy Ozouf, Deputy Bailhache and the very reasoned approach from Deputy Renouf as well. I think that is such an important point. P.P.C. represent across the Assembly, so political differences are irrelevant. What we are looking at is what are the right procedures for us to have credibility as an Assembly in the decisions that we make? I would also like to point out that there is no way that I want to delay any of the legislative work that is going on in education. There is too much that we have to do and so much work going on from people working incredibly hard to do it, so do not come to me for any delay in trying to push this through. I think Deputy Coles made a very good point just now when he said - and I was going to say a similar thing, but just to emphasise and perhaps express in a slightly different way - that if we have an election where it is agreed in principle that the legislation will come in detail after the election then we will have to stand on the doorstep and justify our position. I have to say, I am pretty sure that the Island is aware of Reform's position, because we have been mentioned so many times in this debate. There seems to be a slight obsession among some Members with Reform Jersey. We must be doing something right, because we keep getting elected even though we are completely transparent and consistent in the approach that we want to take to this; I am very proud of that. We will again have to stand on doorsteps and say what we want to do. If the electorate do not want that, that is democracy in action, then we will not be elected. I think that is what needs to be understood in these circumstances. P.P.C. are quite rightly suggesting that we have to get this right because the electorate are ... well, the electorate - we do not have M.O.R.I. (Market and Opinion Research International) polls here, we do not have enough information on views from our different demographics and sectors. We have an enormous amount of hearsay, so it is really difficult to tell what is actually wanted and what is not. The only chance we have of that is during an election. We were elected, we made the change, went into that election, people voted. The reasons for lower turnout are many and varied and it is not simply whatever system we have got there. I believe that the one we have is more representative of our Island, and it takes time to embed that. So, another run-through where we have the discussion in the election over Senators and the way they will work, because that will have to be what the debate will be - the way they will work - if this is agreed with moving forward. That is an interesting thing for the hustings, and I hope everybody will talk about that when they do their election campaign. I urge Members to support this, because then you can vote whether you want to or not to return Senators. I am slightly concerned about the constant reference to Reform. I stood on the doorstep and was very honest. I have been elected twice. I think I campaigned very hard, I communicate very well and I have good links across my constituents and indeed across the Island, so I think that needs to be taken into account, just as so many other Members of this Assembly do. Now, I respect that of the Members of the Assembly; I hope they respect that of me. I urge Members to support P.P.C. who support us, support this simple amendment, and then let us get on to the main debate and try and move this forward so we can come to an outcome. We are spending 2 days talking about ourselves again. I do not think the public really wants us to be doing this, but let us get through it. This amendment makes sense; it is logical; it is reasoned; and it is the right thing to do.

2.1.19 Deputy C.D. Curtis of St. Helier Central:

So as not to waste any more time on this, I will just summarise the risks in not voting for the P.P.C. amendments; they are risks. A delay in getting important matters through the legislative process; so

that is one that has been described in some really good speeches already. Another is not allowing the current system to bed in without proper review. Then, there is a real risk to reduction in voter equity; that is really important and it is unacceptable to go ahead with this without looking into it properly. Of course, a change to the Constitution like this should not go ahead without careful consideration and we would be irresponsible to abandon correct international standards and proper review. I would implore colleagues to carefully consider their responsibilities in ensuring that the work we do is done well and not to rush things through.

2.1.20 Deputy M.B. Andrews of St. Helier North:

It was during the 2022 election, between April and June, when I was canvassing in St. Helier North and one of the things that was very clear to me - it was probably in the top 5 talking points - was constitutional reform and the loss of Senators. I probably had about 60 or 70 people who were disenfranchised. For them, it was 8 votes that they previously had that they no longer had. They could only vote for up to 4 candidates for Deputy and they could only vote for one candidate for Connétable. It meant they could only vote for up to 5 Members, when there are 49 Members in the States Assembly. I understood the frustrations that many of those individuals had. I think, though, when we are here today and we are discussing P.2, it is a matter, really, that should be brought to the public. A referendum is probably the best way when we are discussing constitutional matters. However, given the fact that the proposition has been lodged, it is the will of the States Assembly now to decide on what we ought to be doing next. I think the P.P.C. have been placed in a very difficult position. After all, they are politicians. It does not matter what they decide to do; whatever is the best way forward that they feel is for the Assembly. They will be judged, they will be scrutinised. I know 6 of the Members of the P.P.C. voted against the first proposition that came before the floor of the Assembly in 2022. I think there was only one Member on the P.P.C. who voted for Senators to be reintroduced. But I think the basis of their decision is more about the logistics and how difficult it potentially could be, especially when the Executive are trying to rush through some of the legislative programme that they are responsible for before the election. I do understand that as well. But I think you have to also find that balance. There are many people, who I have certainly spoken to, who miss the Island-wide mandate. Potentially, that is a topic for debate in terms of how that would be constructed. Would it be all Deputies potentially facing an Island-wide mandate in the future? Who knows. But it is really for the public to determine in that respect and I hope we can get to a point where that can happen, potentially with the P.P.C. Once it is reconstituted, it might be something for them to maybe discuss next term, but given the time frame I probably would say it is not a pertinent thing for them to pick up on, given the fact that we have only really got about 14 months of active duty in office. But I certainly do understand why the Members who are in support of Senators want it to be in place for 2026. For them, I think what they are doing is they are listening to the people who they have clearly spoken to, and I think if we are to see the States Assembly agree for Senators to be reintroduced and for that reintroduction to take place in 2030, many people will be very frustrated and they will be questioning: "Surely the legislature - the States Assembly - should be taking the decision to reintroduce Senators and that should be done for 2026." I think there may be more questions raised if we are to delay the reintroduction of Senators for 2030. It potentially could bring us into disrepute already; we have been speaking about ourselves for about 2½ days and I think we are at risk of potentially going into this afternoon and potentially 5.30 still talking about the main proposition. I think it is hopefully now going to be the case where Members can keep their speeches nice and concise, to the point, and hopefully then we can move on to some proper States Assembly business.

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

Speaking as a member of P.P.C. and endorsing this proposition, I would just say that from a practical point of view, I fully understand where various Members come from and the reasons why they are leaning either to support the proposition or not. Fully understandable, but the practicality, the

decision of P.P.C. has been driven by advice from officers who have to do the work. That is simply the reason why the amendment has been put forward, and I intend to support it.

2.1.22 Connétable R.D. Johnson of St. Mary:

Following Deputy Andrews' comment, I shall make my comments very brief. I first remind the Members we are here discussing the amendment and not the proposition itself. It is, crucially, whether any change should come into effect in 2026 or for the next election. In this connection, I align myself with the views of my new-found friend the Constable of St. Helier. Effectively, if it is put back to 2030 the chance will have gone. People who refrained from voting in the last election want a more immediate return to what there was; they do believe they were disenfranchised and I am in no doubt as to the veracity of that statement; they said so on polling day. It therefore comes back to the question as to whether there will be a vote shortly as to whether we want to bring back Senators or not. Let us park that for the moment, but do please bear in mind that if this is brought back, then I sense that it will never come to fruition again. I do fear and feel that we have made over much of the question of process. In my work as a Scrutiny Panel member, I frequently come across members of the Legal Drafting Department - whatever name they call themselves now - and they are a very hard-working and intelligent group of people. We have cut through many debates. I remember the particular one for the Planning Committee where we lodged 11 amendments with their help. They are a constructive group and I have no doubt that they will not only come to the fore, but I am in doubt that there is leeway within the resources of the Law Draftsman's Department. They have not chalked up every hour until the end of the term as to what they are going to be doing; there will changes throughout and, in that sense, I have every confidence that they will be able to cover whatever was required of them. It therefore brings us back to the compliance with the Venice Convention, or to the extent that we need to do so. I am indebted to Deputy Bailhache for quoting from the report of P.P.C. where it says: "Election legislation should be enacted sufficiently far in advance of the election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes." I heartily agree with that, but there is in parliamentary passing something called the mischief rule and, in interpreting what is required, the aim is to decide what remedy they are seeking to achieve. Certainly, if this was a completely new system unfamiliar to voters and potential candidates, I fully agree that further time might be required. But the electorate are familiar with the system; the proposal is to bring back with what they are familiar, so I do not think that the electorate will be disadvantaged if one does slightly fall below the one-year lapse. I have every confidence that P.P.C. will do as instructed by the Assembly; I have every confidence that the Law Drafting Department will similarly carry out their wishes; therefore I shall be voting against the proposition because I believe that it is within the capability of the establishment of this organisation that we can bring about what the electorate need.

[12:15]

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

I will speak briefly also as a member of the P.P.C. to endorse this amendment. It is common sense to me. I think the voices that we have not heard in this debate - because of course the officials within the States Greffe are not able to speak - but they are the ones who are working tirelessly behind the scenes on the Plan to Stand campaign, which is work that the Diversity Forum have done in previous years to increase the quality and diversity of candidates who would feel able to put themselves forward for election. This work that the States Greffe are doing, it is really important and I want to take a moment, first of all, to thank the officers that are working on that [**Approbation**] and to remind Members that that work has been planned out for a long time, based on the system that we have at the moment. Individuals who have already engaged with that campaign and are already making plans are going to be confused at best; at worst, disenfranchised and perhaps put off from standing. Of course, we want diverse candidates of all kinds. I am not going to repeat points that myself and others have made in previous debates about the role of Senator being less accessible and entailing

more barriers to women and minority communities, but perhaps in the main debate I will touch on that. But in terms of the date, whether or not Members agree with the main proposition in this case, either way my personal view is that this amendment makes the main proposition better. If you agree with the main proposition, I think this makes it better because it gives more time to do the legislation properly and for those who are wanting to stand to be able to take part in the Plan to Stand work and to properly plan their campaigns and not be disenfranchised. If you do not agree with the main proposition, you should vote for this because if it is going to go through it makes it less bad, I think. I would urge Members to support this amendment to the main proposition; it was as a result of deliberations across the committee of P.P.C., which is a broadly representative group of States Members. I hope Members would respect the work of P.P.C. and support this amendment today.

2.1.24 Deputy K.M. Wilson:

I will be brief. Most people have made their points that I wanted to make, but just to say that I will be proposing to support the amendment given by P.P.C. I do believe that by addressing the way in which this proposition has been put forward by Deputy Millar that it needs a thorough balanced and well-researched approach to the question of reintroducing Senators. I do believe that it will make and enable the States Assembly, as Deputy Doublet has just referred to, to make better decisions as to how - if the decision is agreed or if the proposition is agreed - to go about that. I think we must remember that it is a serious constitutional issue, it is not just a matter of putting numbers and forming laws around that. We have already heard the arguments around the importance of international standards, and I fully support that. I also think that any change we make in terms of any legislation, we have got to get our democratic processes right to ensure that any change is thoroughly vetted, its implications are fully understood, and that it genuinely enhances our democratic processes and governance effectiveness. I think what we are seeking here, for those others who have expressed support for this proposition, is for better governance of the way in which we approach some of the changes we want to make.

The Deputy Bailiff:

Does any other Member wish to speak on the amendment? I call upon the Chair to reply.

2.1.25 The Connétable of St. Martin:

Thank you to everybody who has expressed their thoughts on this. First of all, I would like to make it absolutely categorically clear that this is not a wrecking amendment, and it is not kicking it into the long grass, as my fellow Connétable said. If you think about it, I am chair of P.P.C. and P.P.C. has to bring forward principles and good governance, and I am very fortunate to have a very strong committee from across the Assembly. Sometimes it can be like herding cats because we are all completely different, we have different views. Some of us will be voting for Senators, some of us will not be, some of us will be voting for Connétales and some of us would not, but we all came together with this because we do believe in good governance. I want to make that categorically clear, and if anybody thinks that it is biased, if they think about the substantive vote yesterday, one that I voted for, this is not a biased ... I am doing this as chair of P.P.C. because that is what I believe this role expects of me. This is a substantive change to the composition of the Assembly and we should not be seeking to make these changes in an election year. I am afraid that the Chief Minister has - I know it would be inadvertently - misled the Assembly. The law drafters who work for the Greffe and are not government employees have categorically stated that it will take longer than 3 months to bring this forward for debate. I have been advised directly that it would be the autumn at the earliest. Prioritising the delivery of this legislation will come at a cost and other things will have to fall off the legislative programme. I do thank Deputy Millar for her kind offer to help but I do not believe she is a qualified and experienced law drafter. She is incorrect to say that the legislation required is simple and I would rather trust the experienced drafters' estimate of the complexity involved. I would also like to say at this juncture that, yes, if this is rejected and the main proposition goes through,

P.P.C. will of course work quickly and promptly, if that is the will of the Assembly, and there is no doubt about that. P.P.C. will be lodging its own election law proposals on 1st April for A.V.R. (Automatic Voter Registration) and some general administrative amendments. We have worked to a timetable which will align with the Venice Commission principles because we believe in them and it is important to set an example and promote good governance. Those amendments have been worked on for the last year, yet are relatively straightforward. Good legislation takes time and the public deserves good legislation to underpin democratic elections. How can we hold our heads up among our C.P.A. colleagues when we reject such a fundamental principle of good governance? Let us not let our personal desires for a Senatorial return cloud our judgment on what is the right way to do that. I was going to address some of the points made by Members, but I think I will send that in an email because we have had a very long debate. I would just like to ask Members to consider all that I have said, and I ask for the appel.

The Deputy Bailiff:

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

POUR: 23		CONTRE: 24		ABSTAIN: 1
Connétable of St. Brelade		Connétable of St. Helier		Deputy L.K.F. Stephenson
Connétable of St. Martin		Connétable of St. Lawrence		
Connétable of St. Clement		Connétable of Trinity		
Deputy G.P. Southern		Connétable of St. Peter		
Deputy M. Tadier		Connétable of St. John		
Deputy L.M.C. Doublet		Connétable of St. Ouen		
Deputy S.M. Ahier		Connétable of St. Mary		
Deputy R.J. Ward		Connétable of St. Saviour		
Deputy C.S. Alves		Deputy C.F. Labey		
Deputy K.L. Moore		Deputy S.G. Luce		
Deputy S.Y. Mézec		Deputy K.F. Morel		
Deputy P.F.C. Ozouf		Deputy M.R. Le Hegarat		
Deputy Sir P.M. Bailhache		Deputy I. Gardiner		
Deputy T.A. Coles		Deputy I.J. Gorst		
Deputy B.B. de S.V.M. Porée		Deputy L.J. Farnham		
Deputy D.J. Warr		Deputy H.M. Miles		
Deputy J. Renouf		Deputy M.R. Scott		
Deputy C.D. Curtis		Deputy R.E. Binet		
Deputy L.V. Feltham		Deputy M.E. Millar		
Deputy H.L. Jeune		Deputy A. Howell		
Deputy R.S. Kovacs		Deputy T.J.A. Binet		
Deputy A.F. Curtis		Deputy M.R. Ferey		
Deputy K.M. Wilson		Deputy B. Ward		

2.2 Re-instatement of Senators (P.2/2025) - resumption

We now move back to the proposition. Does any Member wish to speak on the proposition?

2.2.1 Deputy M.R. Ferey of St. Saviour:

It is clear that in the proposition to bring back Senators to the States Assembly, we are debating an issue that transcends political divisions. It is a call for the restoration of true representation and I commend Deputy Millar for bringing this back for us to debate ahead of the next election. We long tried it ourselves in a unique and robust democratic system, one that balanced representation, accountability and the voice of the people. The role of Senators in our States Assembly was not redundant, it was fundamental to ensuring the interests of the entire Island, while represented fairly and squarely. The loss of the Senatorial role has created a vacuum, leaving many Islanders feeling disconnected from the Assembly and weakening the fabric of our democracy. Senators are elected by all voters and were accountable to all voters. Their Island-wide mandate meant that they had a duty to serve in the best interests of Jersey as a whole rather than being confined to the interests of a single constituency. This is what made them unique or made them valuable and made their presence in the Assembly indispensable. The removal of Senators from our political system was justified by arguments of efficiency and reform but I do not believe that our system has improved as a result. People feel less represented, and decisions have been made with a lesser sense of Island-wide unity. In the absence of Senators, we risk drifting into a more fragmented, localised and short-sighted mode of governance. The reality is clear, without Senators the balance of power has shifted. The representation of Island-wide interest has weakened, and voter turnout has reduced. While Deputies and Connétables play a vital role in our democracy, they serve constituencies and Parishes. The absence of Senators means there is no unifying voice elected by all, no representatives who are mandated to consider the needs of the entire Island. We cannot forget the importance of broad, strategic thinking in governance. We face complex and Island-wide challenges: housing affordability, economic development, environmental sustainability, healthcare access, and education reform. These are not Parish-specific issues, they affect every resident of this Island. The role of the Senators was to rise above Parish lines and focus on the broader issues, ensuring that every voice in Jersey had a stake in the decision-making process. Without them we lose sight of the bigger picture. Some might argue the current system without Senators still functions. They might say the Deputies can work together to represent Island-wide issues, but I do not believe that this is enough. A system built on fragmented representation cannot serve the entire Island fairly. Without Senators we have lost a critical check and balance in our governance, we have lost representatives who have the ability and obligation to put Island-wide interests first and, most importantly, we have lost the trust of many voters who feel that their vote no longer carries the same weight as it once did. When I last spoke on this subject, I mentioned the photograph of Senator Philip Le Feuvre, the architect of the biggest piece of social legislation that our Island has ever witnessed, the social security scheme. That photograph now proudly sits in the office of the Minister for Children and Families in Union Street. Restoring the Senatorial role is not about nostalgia, it is about strengthening democracy. I have heard it said that we are once again talking about ourselves. My response to that assertion is that what we are talking about is ensuring every voice matters and every citizen feels represented in the Assembly.

[12:30]

The decision to remove Senators was made with the intention of improving our political system, but we must be honest with ourselves and recognise that there have been unintended consequences, and they have been damaging. We now have the opportunity to correct the course and bring back a fair

and balanced representation that the Senators once provided. The question before us today is not whether we can function without Senators, it is about whether we are willing to accept a diminished version of the democracy that we once had where we know that we can do better. It is about whether we are willing to stand up while our Assembly becomes less connected to the people that it serves. It is whether we will allow ourselves to continue down this path or we take action to restore a system that reflects the will of the people. The campaign to bring back Senators is not just about political structure, it is about giving power back to the people. It is about ensuring that every citizen, regardless of where they live, has a voice in shaping the future of Jersey. The removal of Senators was a significant change to our democracy and such a change should not have been made without explicit consent of the people. The referendum in 2013 did not provide the binary question of whether or not Senators should remain. The debate today is not one of division but of unity. This is not about left or right, conservative or progressive, this is about fairness in representation. If we believe in an Assembly that serves all of Jersey, then we must restore the Senatorial role, we must reinstate the voices that once spoke for all of us, and we must reaffirm our commitment to a system that is just and balanced. We have a choice before us today: we can accept where we have got to or we can vote for the return of a better, fairer and more democratic future. I choose the latter. I will vote for the reinstallation of Senators who once stood for all the Island.

2.2.2 Deputy S.Y. Mézec:

I think one of the most frustrating parts of these debates on reintroducing Senators is the consistent co-option of clichés which stand no basis in fact or evidence whatsoever, which I am sorry to say the previous speaker's speech was absolutely packed full of them, talking about fairness, when voter equity is a formula, it is evidence-based, it is numbers-based, and this proposition does not deliver it. Talking about balance on the Senators' platform, balance is provided across a whole Parliament, not just reserved for 9 seats in it, to make sure that this entire Assembly reflects the will of the public for all of us sitting there. That means having a balance of diversity in representation for different parts of the Island and the different political views we hold. If you carve the Assembly up in the way that P.2 proposes, you make it harder to deliver that. I reject any suggestion whatsoever that the current makeup of the Assembly delivered through a voter equity-based system, the Deputies' representation and the Parish Constables does not provide that kind of balance or somehow denigrates the work that this Assembly does. All of our elections were fair and robust last time because it was a simpler system that drew out candidates who otherwise we may not have seen, some of whom came out of nowhere and did absolutely spectacularly, and some who had been present for a long time on the Senators' Benches, for example, who ended up disappearing because it turned out that when it came to meeting people on the doorstep they just were not that popular. What you do by creating the hierarchy is you do not bring politicians that are closer to the people, you develop politicians that are further away from the people because they do not have to meet voters in order to get elected. They can fly through their campaign on a bit of good media coverage and a name that is recognised. When I ran last time for Deputy, as compared to Senator previously, I had to knock on doors and meet people, and do you know what? I met a handful of people who did not like me who wanted to explain that, who wanted to close their door in my face, and who wanted to say: "No, I disagree with everything you are standing for." It is a very humbling experience that every one of us should have to go through from time to time to remind us where we come from and make us constantly re-evaluate whether what we stand for is right. The result, so long as it is done on a proportionate voter equity-based system, will help deliver that. What is another recurring theme in this debate, and one which I have to say the proposer of this is extremely guilty of, is the denigration of evidence that does not back their position while extolling far weaker evidence just because it is convenient to do so. I will not accept a reference to poorly-attended public meetings, at which there was a diversity of opinion, as somehow being a greater litmus test than an actual referendum where people were asked to come forward, cast a ballot, and tell us what they wanted. The proposer of this denigrates that exercise because of the voter turnout in it. That is a reason to denigrate most of us in this Assembly because

turnouts across our constituencies are not particularly good, but to denigrate a referendum in which, by my calculation, about 18,000 people came out to vote in, but say: "Yes, I got a letter signed by 70 people, that counts for more" is absolutely absurd. It is not reflective of the wider view out there. If you want to go by the anecdotal evidence of those letters or you want to go by the anecdotal evidence of people turning up at very poorly-attended public meetings, let us go for some other types of anecdotal evidence. Let us go to what people have been posting on social media time and time again when this has been raised. Every comment I am about to read out comes from this latest iteration, and you will spot many recurring themes in here: "More time wasting." Some people invoking things that are against Standing Orders for me to repeat: "Not again? It has been rejected so many times. Why waste States time trying to go backwards? Have they nothing better to do?" "What if all 12 Senators", or I suppose 9 for this one, "get roles on the Back-Benches, not forced to be given any job in Government? Backward step to put them back in." "The States need to stop looking backwards. We have far too many amateurs in the Chamber, and we need proper wages for half the number of politicians and no Constables." Interesting position. One person just said: "Senseless." Another says: "If she really wanted to succeed, she would propose a full Island-wide mandate." "States Members are looking to have one class of Member, not return to 3. It is a waste of time and will be defeated." "Reduce the number of Members." You are spotting some recurring themes here: "It is more important than the Island-wide, that way I might just return to voting." "Oh dear, they cannot let it lie, can they?" "Is there seriously not more important issues to discuss like how massively understaffed the health sector is." "The Island has far more pressing matters than this nonsense." "No debate on funding events like the Battle of Flowers, Air Display, et cetera, but they are wasting time debating themselves and elections again. Seems like once a year they do this." "No one is asking for Senators to be reinstated." "They want Island-wide voting, the 2 are not mutually inclusive." That is a point I will return to. I have to say, my favourite one was somebody who did not leave a comment but instead posted a GIF of Mr. Bean yawning; very relatable. At those public meetings where people came out in good faith, in small numbers - but I do not denigrate any member of the public who came to any of those meetings - I attended a few myself with the exception of the St. Clement meeting. Of all ones I went to, I was by quite some distance the youngest person there. They were not representative of the age diversity. St. Clement I was beaten by Deputy Alex Curtis, who I think is just a few weeks younger than me or something like that anyway. There was not a diversity of our entire Island community represented at those meetings. While it is fair to say that of the people that attended there, a majority would have put their hands up to say they like the idea of Island-wide voting, at every one of those that I attended - and I would offer some views and some questions - when you scratch beneath the surface, this particular iteration of Island-wide voting is not very popular at all. I would ask people who were present there: "Is 9 how many Island-wide Members you want? Is that as far as it goes?" Of course, no, immediately you divide the room at that point between some who would say: "No, I prefer a lot more", plenty who would want the whole lot of us elected on an Island-wide basis. You would get people who would say: "Yes, I am happy for a number of Senators to be reintroduced but I prefer them to be dealt with at a separate date to the election for Deputies so that people could step up or step down" or what have you. There is a complete diversity of opinion as to the right way to do this. Clearly, no overwhelming support for simply chopping a Deputy seat off every district to create 9 Senators to be elected on the same day for them to then go on to do the exact same job as the Deputies. That of course has not been, I think, properly advocated for citing any kind of public enthusiasm for it. But of course they will ignore the greatest exercise of democratic consultation on this subject that there ever was, which was the 2013 referendum, where 80 per cent of people who came out to vote, voted to scrap the system that Deputy Millar wants us to reintroduce, claiming it is popular. There is no evidence of that at all and it is simply being ignored, the real evidence that there is on this subject, because it is inconvenient. It does have to be said that a couple of times in this debate, some Members have said the quiet part out loud. Deputy Millar, I think, made some interesting comments about culture in her opening speech on this. I wonder if that is an argument for going back to bringing the Rectors back because of course

they were present in this Assembly for hundreds of years. She looks at me with disdain when I say that. I have disdain for her argument because it is so ridiculous and unevidenced-based. That was part of our culture for years, why do we not go back to it? Because obviously it would be extremely undemocratic. We must respect our culture, our Jersey culture, by going back to the system that was given to us by the British Home Office in 1948. Yes, that is what we do here as Jersey. The only new idea separate to that which Deputy Millar extolled in her speech was the idea of limiting the franchise even further just to British citizens, to take away the voting rights of Islanders. How can you claim to be in favour of democracy and argue that fewer people should be able to vote and to argue that that ought to be done on the basis of prioritising immigrants from Britain but not immigrants from Madeira or Ireland or all the other places that people come to Jersey from. An absolutely outrageous suggestion that we should have short shrift against. A few Members of course have brought up the dynamic of party politics into this and the presence of the centre-left party, Reform Jersey, into it. Again, I think that is saying the quiet part out loud, as if that ought to be any kind of consideration in determining what would be a fair and equal voting system for the Island to get them the representation that they want. At the end of the day, if we on these Benches are so terrible, fight us and beat us in a fair election and convince people to do so; do not come up with a fudge of a system to try to engineer a result that you want because that is completely undemocratic. Deputy Scott previously referred to multimember plurality voting and the issues she has with that with Deputies. Of course, the solution to that is to create another multimember plurality constituency, which is the Island-wide constituency, which will be subject to all of the same flaws as that. This proposition was described by Deputy Millar early on in her speech as having an air of going backwards but it is more than just an air, it is a tornado going round and round in circles again at such force, causing nothing but damage in the meantime as Islanders continue to lose faith that we are going to deal with the issues that matter to them, talking about ourselves, and making so many points for which there is not an ounce of evidence and, where evidence can be provided, to ignore it simply because it is inconvenient. This proposition is backwards-looking. If we want to have a better voting system we ought to consult properly with the public about moving forward. There was an exercise in 2012, 2013 led by Deputy Bailhache at the time which did properly engage with people, considered different options, and ultimately gave the choice directly to the public at the end of it. The Assembly made a mistake in ignoring it then, although it fixed it in time for the 2022 election. It is at risk of ignoring that all over again and going back in time to something that, frankly, will not settle the argument because you will just have an election next year, messy as anything, with all sorts of contortions as people try to fit into whatever constituency, Senator or Deputy, that they think is best for them. The first thing that the next Assembly will do, no doubt, is say: "What a shame, what a mess that was, and let us go back and have another view of this subject again." A complete waste of all of our time when we ought to be getting on with the things that matter to Islanders.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The adjournment is proposed. Are Members content to adjourn? So Members know, the next 3 speakers are Deputy Ahier, then Deputy Renouf, then Deputy Tadier.

[12:45]

LUNCHEON ADJOURNMENT

[14:16]

The Deputy Bailiff:

No, we are not quorate, are we? We will see if we are quorate in a moment.

2.2.3 Deputy S.M. Ahier of St. Helier North:

I wondered if we were quorate but apparently we are; that is good. This is not the first time during this term of office that we have had a debate to bring back Senators, and in the words of J.K. Galbraith: "Nothing is so admirable in politics as a short memory." But here we are again discussing the possibility of going back in time to reintroduce Senators, which has already been defeated twice by this very Assembly. One of the only differences about this debate to the previous ones is that there were meetings at all the Parish Halls to discuss the matter of Senators with the public. What did we learn from this public engagement? The one thing that was of note was the age of the attendees. At the events which I attended, there was nobody under the age of 50 there, and I believe this equates to the level of interest among young people about the idea of changing our electoral system; it is clearly not supported by our youth. It must be mentioned that if Senators were returned, the possibility of a young person being elected as Senator would be virtually nil due to many factors but primarily the cost of running a Senatorial campaign against what would be seasoned politicians. The most notable thing about those members of the public who did turn out was the vast variety of ways that they suggested for having Senatorial elections and most of them were nothing like the proposal that is being brought by Deputy Millar today. None of the attendees could agree on what format these elections should take, all of them wanted something different. Some wished to have Senators being elected for 6 years, others wanted all-Island Senators to make up 37 Members of the Assembly, others wanted the Senators to chair the old committee system and, indeed, some mentioned wanting the Senatorial election to be on a different day, which was proposed by Deputy Tadier. Others wanted the Senators to be the Chief Minister and all other Ministers, another wanted 12 voting areas for each Parish and separate Senatorial elections. One wanted 18 Senators instead of 9 Senators. Another at St. Peter wanted 24 Senators Island-wide plus 12 Constables, reducing dramatically the overall size of the Assembly, but of course no Government ever voluntarily reduces itself in size. These are just some of the permutations, and I mention this because when you ask the 20 per cent of people who supported the reintroduction of Senators - and we know this from the 2013 referendum what they want - there is no real agreement about how they expect the system to work. So even if this proposition is adopted, there will be a large number of that 20 per cent who feel that they are not getting the Senatorial election that they wished for. This is a very important point because the majority of those that want to see Senators returned will be hugely disappointed no matter what we decide today. With all these differences of opinion, you might think that there is a large amount of people turning out to these Parish meetings but of course that was not the case. In St. John there were 8 members of the public, 14 in St. Peter, only 4 in St. Saviour, with 8 States Members in attendance, St. Helier had 6 members of the public with 9 States Members accompanying them, and Grouville had 19 constituents turn out. I wondered why this might be that Grouville was so well attended in support of the Senators but then it occurred to me that in the general elections of 2008, again in 2014, and again in 2018 there were no elections for either Deputy or for Constable. The only vote that was available to Grouville residents was the Senatorial election and that seems to be the reason why people of Grouville are so keen to bring back what was their only opportunity to cast a vote for the majority of the last 17 years. A major drawback of having 3 elections on the same day, which is totally undemocratic and of course leads to lack of competition in all of the 3 elections, is that those who will benefit most will certainly be the Constables because there will be even less reason to stand in a Constable election when you have the choice of Senatorial elections and Deputies' elections. But no matter how these Senators are chosen it will have no effect on the fact that each Member will have one vote once they are sitting in this Chamber and of course it will not affect the makeup of the Assembly, for the same people will be elected no matter which system is used. It also favours past Members for they will have a huge advantage purely because of their public profile and so it will be questionable as to whether this will be a fair election. Indeed, why would current Members stand for Senator once they know who else has already declared for the position? It would be foolhardy for 10 sitting Members to stand for 9 seats, which again emphasises the lack of competition that a Senatorial election would create. There is one other major injustice about this proposition and that is the removal of representation from St. Helier. Our Island capital would lose

3 Deputies compared to one Deputy in St. Brelade, St. Clement and St. Saviour, or 3 to the other districts. It seems inconceivable that any of the current St. Helier Deputies would support such a diminution of voter representation for the 36,000 residents of the Island's most populous Parish. One of the concerns I have heard voiced by members of the public is that Reform Jersey are gaining too much influence with a very small percentage of the overall vote. My response to that complaint is that rather than change the electoral system we must encourage more people to stand in those areas that they currently have been successful in. As Plato said: "One of the penalties for refusing to participate in politics is that you end up being governed by your inferiors." I would not like to give the impression that I have an inbox teeming with comments about bringing back Senators. I have received only 3 emails on the subject, and I would be interested to know from other Members whether there has been such a dearth of correspondence across the Assembly and whether those tiny numbers of representations have in any way influenced their decision. The general public are fed up with the States discussing the electoral system over and over again. We are not doing ourselves any favours by continually regurgitating the same arguments time and time again. I ask Members to vote against this proposition and hopefully we will not be asked to discuss this matter again within this term of office.

2.2.4 Deputy J. Renouf:

We have had some interesting comments already in the amendments. It has been interesting, I think, to hear the desperation in advocates for the return of the Senators: "If we do not get it through this time we never will." Well, all I can say is that it is just as well the suffragettes did not take this view; perhaps they had a little more confidence in the strength of their arguments. This is my third speech on this matter in less than 3 years, not counting all the amendments, and it is hard to say something new but I do think I found a new angle. It was inspired by the meeting held in St. Brelade by Deputy Millar. It was well-attended compared to the other meetings, I think. We may have beaten Grouville, I think probably about 20 people there, not least because it was advertised on Channel the night before. There were around 20 people in attendance plus 5 States Members and of the people who spoke, I would say about 5 or 6 were in support of Deputy Millar's proposition, 2 spoke against, although I do admit that most of those who did not speak were probably also in Deputy Millar's camp. But the point I want to make is that it was fascinating hearing the arguments that were made because they raised a really basic fundamental question: what is the problem we are trying to solve? It certainly was not clear in the meeting that I attended. The first thing I think to say is that there is not a fundamental problem with our current electoral system that needs correcting. We have elected the most diverse and representative Assembly in the Island's history with an electoral system that is the fairest in the Island's history. Who knows, perhaps the 2 are related? We have moved forward, in other words, still work to be done, to be sure, but we have made progress, so what problem does bringing back the Senators solve? Did losing the Senators create a democratic deficit? No, it did not according to the most important way of judging these things, the fairness of representation. We have the most fairly-elected Assembly on record, and has been comprehensively proved during earlier debates on amendments, introducing Senators will reduce that equality, it makes things worse. What about the argument that gets thrown at me on social media sometimes: "I never had a chance to vote for you because I do not live in your electoral district" or as I fear it is more normally expressed: "I will not have the chance to kick you out." [Laughter] Well, assuming I stand for Deputy again, those people still will not have a chance to vote for me or against me, you do not solve that problem by bringing back the Senators except for 9 Members. That problem is not solved. But what about the problem that the public do not get to have a say in choosing Government Ministers and the Chief Minister? Everyone in this Assembly knows that there is nothing to stop a Deputy becoming a Minister, either in law or in practice. When Senators were in the Assembly, many Deputies ably performed the role of Minister. What about Chief Minister? It is true that all Chief Ministers were, in the day of Senators, a Senator, but the public did not choose the Chief Minister. Someone will correct me if I am wrong but the only person who won the Senatorial election and became Chief

Minister is sitting opposite me. The public do not choose the Chief Minister through the election. Maybe he was not; maybe nobody won the public vote. The public do not choose the Chief Minister through the election of Senator and for good reason. We are a parliamentary democracy and the Chief Minister has to have the confidence of the Assembly, but also as an aside, I would say there is nothing to say a Deputy could not be Chief Minister. Although it may sound unlikely, it is possible to imagine a situation, particularly if party politics becomes more deeply embedded, that a party leader - I am not singling out any particular party here - could well choose to stand as a Deputy in a safe seat and use the mandate their party gains as the basis for standing for Chief Minister, but I guess at that point we might have to change the system again. What is the problem we should be trying to solve? Participation. We have the lowest participation of any advanced democratic jurisdiction in the world; it is catastrophically poor, and who are the people who are not voting? Well there are many groups: the young, ethnic minorities, the less-well-off. Why do they not vote? Well we have the answer to that as well. They do not vote because they cannot see the point. Nothing changes or, perhaps more precisely, nothing changes for the better. That is the reason people have given over and over again for giving up on our electoral system. There is absolutely no indication that the reason why people stay at home is because there are no Senators: "But I want more votes. I want to vote for more candidates." I agree that people do express this idea and, again, I reiterate that this is a minority view, passionately expressed by a small number of people, but it does not objectively improve our democratic system. Having a tiny influence on the election of a large number of candidates is not more democratic than having a greater influence on the election of a smaller number of people, and Deputy Tadier provided us with a useful example yesterday why this is the case, so that problem does not get solved.

[14:30]

So, will having Senators solve the Island's fundamental problems, the stuff the electorate really care about? Will Senators be uniquely placed to help deal with the cost-of-living crisis? Will they add something extra in terms of solving the crisis in healthcare? Will Senators help us build more homes? Will they be better placed to protect the environment? I find the idea singularly offensive. Every day this Assembly sits, every single Member is called upon to consider matters of an Island-wide significance. What kind of ridiculous argument is it that says the Senators will have some uniquely privileged ability to understand and represent the Island interest? Have we ever suggested that the Constables, who are explicitly here to represent Parishes, are unable to fairly understand or represent Island-wide issues? It is a nonsense. Deputy Scott says the system was manipulated by political parties. Manipulation is a serious charge and there was no evidence presented. It is noticeable that she singled out Reform in her attack on party political manipulation. Two other parties contested the election and seemed to have been far less successful at manipulating the system that is supposedly biased in favour of parties. I would say this is dangerous territory into which people enter. It leads into territory where we end up designing an electoral system to achieve a political objective. I have heard whispers of that in the background, but I have never heard such a brazen assertion of one of the reasons that might lie behind the return of the Senators. It takes me back to my time on the Electoral Commission at a public meeting I attended where a member of the public explained their opposition to changes in the system with the words, remembering that this was before the time of Reform Jersey: "I do not care about principles, as long as we do not have any more Southerns." I am sure that Members supporting P.2 will line up to say that this is not the case, but I am afraid I have heard too many versions of Deputy Scott's point of view to ignore it. It seems to me there is a political dimension to this proposition. It again re-introduces a bias against urban areas. It may be intentional, it may not, but in objective terms it is a step backwards. I utterly reject the idea that we should be designing our electoral system to achieve a particular political outcome. I repeat the simple point that the current electoral system is by objective measures the fairest that this Island has ever had, but it is worse than the fact that the return of the Senators does not solve any fundamental issue, it makes several things worse. We shall be going back to a divided Assembly. The whole point of

the Island-wide mandate is to confer greater legitimacy on the role of Senator. It is a privileged position, it is designed to be a privileged position, and we heard from Deputy Ferey very eloquently about that. On the Senators return, we can be sure that when it comes to the roll calls the Senators will want to be before the Deputies. Island-wide mandate, you see, a bit more important. Big State occasions, royal visits, who will be sitting in the front-row seats? The Senators. In all sorts of subtle ways there will be signifiers that Senators are more important. Deputy Ferey, as I say, made this elitism very clear. There are currently no Members with a mandate to represent the Island-wide interest, he said, so presumably once we have Senators that will be a good thing, we will have got a higher quality, a higher status Member. I would say that it is wrong, we all have a mandate to represent the Island-wide interest; that is our job. In the future, will we hear speeches from the Senators along the lines of: "As a Senator, I can speak with greater authority on this matter because I have an Island-wide mandate"? As Deputies, are we supposed to defer to Senators? Would I need to make a speech saying: "I know I have considered this matter deeply but obviously I cannot have understood it as well as someone with an Island-wide mandate." Of course not but that is the subtle implication of this idea that those Members elected to the role of Senator have a special mandate. We will also be making the electoral system more complicated. Now supporters of returning the Senator in St. Brelade, and I am sure elsewhere, say: "No, it does not, it is not complicated at all." It is complicated. A 3-tier Assembly screams complexity: 3 different categories, all with different constituencies. I am not talking about long-term residents of the Island, I am talking about people who have not been here for so long, people who arrived to work as teachers and nurses, people who work in the finance industry, people who work in hospitality. A 3-tier Assembly says to them: "Look, Jersey has its ways, locals understand it, it is your responsibility to come to terms with it." This is perhaps difficult territory but I am here to say: "No, our democratic system should not demand deep immersion to understand it." A person who has arrived in the last few years still needs decent housing, they still worry about healthcare, they still want a decent education for their children. They may not be hugely interested in our history. They may not want to invest time in understanding different electoral boundaries and so on. They are still contributing to this Island, they still have the same rights, and we should be sending out the message loud and clear that the democratic system is designed for all of them. Reintroducing Senators introduces subtle signifiers which say: "If you want to vote, you should do it on particular terms." But what struck me in the end in St. Brelade was the impassioned argument of a woman who heard all the arguments picking apart the case for Senators and in the end said: "Look, I do not care about those arguments, I just want to vote for Senators." It was a powerful plea, but I am afraid it exposes the emptiness of the argument for Senators. The issue that we are trying to solve for the return of Senators is the return of the Senators. It is a solution to its own problem, it is an entirely self-reflexive issue. Sure, it solves the problem of those people who are only Deputies but would like to be called Senators, and it would satisfy the desire of a small group of people - a small group of people - who feel passionately about this particular issue. I respect their views. They are passionately and deeply held but they do not represent a majority, they do not represent the will of the people, there is not a single piece of evidence that there is a majority of Islanders supporting the Island-wide mandate. If we submit to this minority interest, it makes the architecture of our political system significantly worse. Our job in this Assembly is to take the bigger picture, is to see the bigger picture, to see beyond a minority of passionately-held views to the fundamental issues. This proposition does not address a fundamental issue, it does not correct a democratic deficit, it makes it worse. It will not make our Assembly function better, it will not improve the standard of Government, it creates divisions without purpose. It is the very definition of the wrong answer to the wrong question at the wrong time and I shall be voting contre.

2.2.5 Deputy M. Tadier:

There is a saying, I do not where it came from, but it is something like this, that an animal is most ferocious when it is about to die. What we are seeing here, it ties in with the very good speech that Deputy Renouf made, and before he goes I would just like to congratulate him. It was a very

intellectual speech; indeed, it was far too intellectual for this Assembly. It will not go down well with this Assembly, unfortunately. I am tempted at this point to ask Members to put their lights on if they are still undecided on this vote just to know if there is any point in me making this pitch here today. He said in concluding that it is the wrong answer to the wrong question. Of course, the point is, what we used to call “establishment” back in 2008, the establishment candidates, the establishment who control this Island ultimately and who wish to remain in power through non-democratic means or as least democratic means as possible so that they do not have to knock doors, so that they do not have to face any real scrutiny, so that they do not have to do the casework that the Constables and the Deputies in the constituencies will have to do, they want to be able to carry on making the decisions that they make, preferably behind closed doors, with the right kind of people, and not have to worry about undesirable types that might find their way into the Assembly, let alone into the Council of Ministers. That is the political reality, and it is a shame because I thought we had made such progress since the 2008 election. But, no, this is very much a pitch we are seeing from Deputy Millar, a pitch not for the new, it is not a pitch to try and get new people involved in politics, to try and solve somehow the democratic deficit that we have so painfully obviously got in the Island, which we all know too well, but it is a pitch to old Jersey, as the Senatorial elections always were. The underlying tone that we are getting here - we have already had it - is that we do not like outsiders, we do not like people coming over here telling us what to do. Anybody who puts forward a system which is supposed to be fair is some kind of political extremist, a theorist, a purist, an academic, somebody who is just a pundit, perhaps, who is purporting and pronouncing things for our system. What they are saying is we want things to stay the same; in fact, not even stay the same, we want things to go back to the way they were. The answer of course, that they all know, is party politics because that is what politics is, it is party politics. Saying that a party in Jersey might be seeking to benefit from the system is a bit like saying that having teams in netball or in football distort the game outcomes of that particular sport. No, netball, football, they are all inherently team sports, and it is much more fundamental of course when it comes to democracy because the fundamental point of why people have this affinity for Senators - and there is probably more than one reason - is because they want to influence the direction of political travel, they want to have a say in the makeup of the next Government, which they cannot do in a system which is largely made up of independent politicians. I was really disappointed on a number of counts with Deputy Ferey’s speech, which is why I put my light on straight away. I should have probably held back because it is not helpful necessarily to hear from 3 or 4 Members coming from the same direction. The first point I am disappointed with is that he stood up and said a number of untruths because it is factually incorrect. He said: “This makes our system fairer ...”

The Deputy Bailiff:

Well, you say “untruths”, do you mean something else? Are you suggesting that he was not saying the truth?

Deputy M. Tadier:

Yes, Sir, I do mean that, and this is where it gets into difficulty. He said something which the facts do not back up. I am not saying that he lied, I am just saying that he said something which is factually incorrect.

The Deputy Bailiff:

That is what I thought.

Deputy M. Tadier:

I have got my George Orwell approach ready, but I am ready to take that back.

The Deputy Bailiff:

All right, that is fine.

Deputy M. Tadier:

I will not say that he spoke an untruth, if that is unparliamentary, what I will say is that he seemed to misrepresent facts in a way which he may not have done consciously because we know that this system, the statistics which are demonstrable - and this is the fundamental point - is that fairness and unfairness of equity of vote, as I think has been said in previous parts of this wider debate, are not subjective, you cannot say: "This is fair." You might point to certain things which are desirable, like for the number of votes, for example, that somebody has, but when it comes to the power of the vote, the weight of the vote, the distribution of the seats and the representation that different parts of our Island get, those are all statistically set in stone. The fact is - and this might then lead some Members outside of the Assembly to question motives of those who want to change things, although we do not do that of course - that you look at which districts are most affected. Of course, we look at the districts such as St. John, St. Lawrence and Trinity which, even under the current system, are 23 per cent over-represented, at whose expense? Largely at St. Helier's but not exclusively. What we do, rather than trying to address that inequality saying: "Well how do we make sure that other parts of the Island are better represented?" we make the distribution worse, so we go to a point where they have 29 per cent distortion, over-representation by 29 per cent. Then we look at the districts of St. Mary, St. Ouen and St. Peter, where are all the supporters coming from who want to bring back Senators? It seems to be, up until now - we will wait for the final vote - from those districts. Not only do they want to bring back an Island-wide mandate but they will be benefiting those districts too, so you see St. Mary, St. Ouen and St. Peter going from 30 per cent over-representation - that is already terrible, a deviation of 10 per cent should be worrying us, it is 30 per cent currently - what does this new system do? It makes the distribution in those areas 37 per cent over-represented, so it is not a fairer system. We are in a difficult position to know what it means when a Member stands up and says: "This makes the system fairer" and the facts do not add up. What is one supposed to conclude about the motives of the Member? It is not that they are necessarily pernicious, but it is the fact that that Member is certainly misleading the public if he maintains that in spite of the black and white facts. I bumped into somebody on the way, a former politician, and he said: "Good luck this afternoon, vote the right way." I do not think I will be voting the right way from his perspective.

[14:45]

I said: "But I have got to go because I am just reading quotes from *Nineteen Eighty-Four* to prepare for my speech." What did Orwell say? He said ultimately: "Freedom is about the truth to say 2 plus 2 equals 4." When we have States Members standing up and suggesting, maybe in good faith, that 2 plus 2 equals 5 or 2 plus 2 equals 3 for a different district, that is not what endears us, I do not think, to the wider electorate. I am also disappointed because ultimately Deputy Ferey knows the answer to the question that we are all asking as well: it is party politics. Irrespective of which seats you have, you know who your leader is going to be because it is the leader of the biggest party or you have a coalition that works out a deal afterwards and you vote according to that principle. That is why Deputy Ferey, presumably, joined a political party and they have 2 members elected. I take no pleasure in saying this, but it is disappointing when that party effectively renders itself completely meaningless during this debate because they are voting in 2 different ways. It has only got 2 members and they are going to vote in different ways on something so fundamental as electoral reform as the Island-wide mandate and as a fair system; they cannot agree on what a fair system is. I am more inclined to be interested to hear what Deputy Bailhache, a former member of the Electoral Commission, who uses some of those first principles of equity, fairness, distribution of seats, also voting systems; those need to be brought into the mix, I would like to hear more about that because I think that part of the Liberal Conservative Party may have more edifying things to say about how we might wish to vote, ultimately, in this debate. The public will come back to us and say: "Why do you keep changing it?" Young people, again, we will go back to that point, we have had 2 arguments put forward from the Constable of St. Helier and then from Deputy Gorst which I want to address. The best arguments they can put forward is that on the one hand the Constable of St. Helier, as I

heard it, says: "I went to a bar in St. Helier on St. Patrick's Day. I spoke to a number of people who were half cut and they told me that they wanted to bring back the Island-wide mandate." That is a good basis for making your decision, is it not? I gave up taking advice from people in bars quite a long time ago. I prefer to maybe go to dinner parties which do not necessarily have alcohol and somebody would come up to me and says: "Have you read that book called *The Triumph of the Country* by Advocate John Kelleher? It is a jolly good book." I will say: "I know of it and I have certainly read extracts of it." Is it not the gist of it something like this, that the countryside in Jersey has always dominated at the expense of the town and the urban areas and that has been the problem? Over time, even in 1948, that when electoral reform was being done, that they did not really do it properly. There was always a fudge there. Of course, the reason that the Senators were put in in the first place is not because it was a great idea but it was to solve a particular problem. The particular problem it was solving was having members of the court sitting in - your Assembly Members - who were I think, effectively, elected for life or for a very long time and the public did not have a say over and it flies in the face of the separation of powers. That is the reason that the Senators were brought in. Unfortunately, they got stuck and I do not think they were meant to be here for that long; I think it is a just a problem. Because at the time there was the programme that was being filmed in Jersey, the documentary was of course called "The Great Jersey Fudge". Unfortunately, that film never got made because it would have put Jersey on the map. But, as I have said earlier, I think that the new film that needs to be made now is "The Great Jersey Gerrymander" and it could perhaps feature Deputy Millar as the lead role in that proposition. Why do I say that it appeals to old Jersey and to negativity? Because when she addressed the issue about the democratic deficit in Jersey and the fact that we have low voter turnouts, rather than come up with positive ideas as to how we might solve that she said or she hinted at this, what if we just said that non-British people cannot vote in the first place? That would reduce the number of people who can vote. They probably do not vote anyway and that might make us look like we have higher turnouts. Why stop there? I am sure there are lots of people in Jersey, certainly if you listen to the comments on Facebook, who would say: "You should only be able to vote if you are Jersey born." There are probably those who say: "You should only be able to vote if you are a man or if you are a property owner or if you are of a certain intellect or if you are over 50 years old because you have not got the life experience." There were those who would say: "You should not be able to stand for election in Jersey if you are not born in Jersey." I am sure that there are those xenophobes and those bigots out there who would agree with that. Of course that would put the Deputy in a very difficult position because she herself would not be able to stand for election. Of course nationality should not be a bar, I do not think, to either being able to vote or to sit in this Assembly. But those are the very reactionary policies that we get when we scratch the surface. That is what we are dealing with here, we are dealing, ultimately, with progress or with regress, with reaction or going forward and having a system which is fit for purpose in this day and age. Who will the winners and losers of this be? It will be the public of Jersey. Because if you are well-heeled, you are well-known, you wear a nice suit, you manage to court the *J.E.P.* and they give you an article every week in the newspaper. We can see them lining up, the candidates lining themselves up in the *J.E.P.* to come in and to stand for election because they do not want to be wasting their time as a humble Deputy or a Parish Constable. They do not want to be dealing with matters about roads and pavements and the width of the pavement and the fact that you are pushing a pram along a pavement and the pavement is too small. I am going to send that email later, Constable, it happened at lunchtime. They want to be dealing with the real issues, and they want to be leading from the front in that sense. It will also be fine for political parties because if you have a political party, you have got the wherewithal to field a slate of candidates to pay for your election material and to have teams knocking on the doors. Who does it not benefit? It does not benefit the new Members. A text message is being sent, I thought that meant time out, Sir. Who does it benefit ultimately? New candidates will find it very difficult to get elected. The pre-existing candidates, Deputies, Members who are seeking re-election will, ultimately, be re-elected. As somebody pointed out at one of the meetings, the same old faces get re-elected anyway, just with less accountability,

with less contact with the public that they represent. Let us not be under any illusion about where this is going. I am sorry if Members feel that this has taken a dive in the tone but I do feel that we are going back a number of decades with the direction of travel. Perhaps somebody would like to make a more positive speech as to why we should also not go back to Senators. But certainly this is the way I see it, this is the way I have to call it.

2.2.6 Deputy M.R. Scott:

People with aligned interests are not evenly spread in any particular constituency or Parish. Their interests overlap and diverge at times. When voting they need and they should have the right to decide their priorities and in doing so they may reasonably not wish to have political choices removed from them. It is fundamentally unfair if one group in our community is exponentially represented in this States Assembly more than another; they currently are, the maths does not lie. They will continue to be if we continue with the current arrangements unamended, nothing will change that. The important disadvantages highlighted in the report of the Electoral Commission have been flagged by me during this debate at least and I am glad of that. Because some independents may not have been aware of them when assuming certain positions when constructing their manifestos. I believe the words in the 2000 report produced by the University of Reading for the benefits of the Electoral Commission are worth repeating. Maybe members of the press may even pick up on them. Under the current arrangements where groups of voters in particular areas support, for example, a political party, that political party can secure a numerical advantage that makes their representation disproportionate, even if most voters have no opportunity to vote for their candidates. Guess what, that is exactly what happened; 20 per cent of this Assembly are members of a single political party and we cannot say 20 per cent of voters Island-wide put them there. Because the whole of the electorate did not have the opportunity to vote for them. I remain of the position that I think it is a shame that they themselves have been deprived of an opportunity to seek an endorsement Island-wide: "Multimember plurality", according to this report, "can lead to a large number of wasted votes" and I repeat, it said: "And this is an effect that is likely to depress electoral turnout." Guess what, it did. I remain perplexed that by the recent proposition brought by the P.P.C. supposedly to improve electoral turnout when this was still there in that report, but that is a debate we can leave to another day. I maintain my position that the P.P.C. and the States Assembly went the wrong way about things, in allowing the current arrangements and highlighting the risks, something that we are insisting that Government does now. States Members know in order to achieve equity in as many ways as possible I have been exploring consequences of possible proposed fractional voting for the Constables and how they can be contained. I thank Members for feedback they have given in the debate so far. Current objections may be overcome with relatively simple adjustments to the basic premise. I also have perfect confidence in the Greffe's ability to acquire the correct software to do swift calculations in the States Chamber, if that is the way we go. Super-constituencies, as currently constituted, without any form of Island-wide representation, is not providing an answer to these important disadvantages, the important distortions, and the Venice Commission does not even deal with them but they are there. Deputy Ahier's analysis of how many votes were cast for Senators overlooks the flagrant matter that voters have lost the ability to influence through the exercise of their vote a greater proportion of the choice of Members who sit in the States Assembly than they have right now. Just because the inequities are not currently addressed by the rules of the Venice Commission does not mean that the rules that were adopted by the former States Assembly should not have been adapted in some way to address the disadvantages highlighted by the report to the Electoral Commission. Whether or not this proposition is passed, there is some cleaning up to do. If it is not, I expect current political parties to go hell for leather to exploit the advantage the current arrangements give them, which are not totally democratic, despite the lack of express mention in the Venice Commission rules, as the report to the Electoral Commission highlighted. Members of the former P.P.C. seemed to have gone hell for leather to push through and promote the current arrangements, focusing the minds of States Members and the public on complex calculations based

on the Venice Commission, glossing over the structural disadvantages of a super-constituency structure to independent Members and voters Island-wide. Deputy Bailhache, now a leader of the Jersey Liberal Party, and my fellow St. Brelade, Deputy Renouf, were members of the Electoral Commission. They seem to have glossed over these disadvantages in their speeches too, despite their more direct knowledge of them. Deputy Renouf has suggested there has been no democratic deficit resulting from the current arrangements. I suggest he may be being blinkered on the matter, which could be a first for him. Also, does not understand ... has not pinpointed that Reform used the tactics highlighted in the report, as it was its entitlement because that was allowed, and other political parties did not because they perhaps were not so clever; I do not know. As for suggestions of elitism and consequences, I believe the Deputy has been referring to certain matters of Standing Orders that can be changed within the term of this States Assembly.

[15:00]

I am happy to support a proposition that removes that sort of elitism, when the sole current justification for calling those elected Island-wide States Members Senators in this proposition appears to be to distinguish them from those who are not. Maybe these 2 Deputies have their own solution to the important disadvantages to independent candidates and the electorate that were mentioned in that report. Maybe they plan to bring proposals forward, if elected, in the next election. They have not produced much in the way of them during this term. The question remains, what is fair and in the public's interest, rather than what suits self-interest? In the case of Constables, if they support the continuation of one vote per Constable they could be accused of doing so out of self-interest. But they also could be accused, if they did go the other way, of not acting in the interests of their parishioners. I totally understand why Reform members and their supporters might energetically argue in favour of an uninterrupted continuation of the current system. They have the most to lose from this. I feel that Deputy Mézec, the leader of the Reform party, was clutching at straws in his speech, having criticised Deputy Millar for referring to flimsy evidence. He supported this by selectively quoting comments posted on social media. I do not even know the source of them. Was this on a Reform Facebook page? The irony in referring to the choice of the electorate in the 2013 referendum, that referendum took away choices from the electorate, no choice to choose a 2-Member States Assembly or Senators and Constables. No choice to have fractional voting in the States Assembly or a single transferrable voting system to address the patent inequities of some of the proposals that, nevertheless, were put on the table in that referendum. I do believe the Deputy himself suggested he thought the fairest system was one with just Senators and no Constables. But the fact is the electorate confirmed the desire for Constables to continue in the States Assembly, not once but twice. The second referendum gave the electorate a clear binary choice on the matter. I may not be perfect, as the editor of the *J.E.P.* has sought to remind me, but I am pretty good at blowing smoke out of people's eyes. Might not the Deputy put it this way, as what Reform did to me? If the rules currently determining the composition of the States Assembly is skewed in favour of the Constables, to the point that Reform members occasionally describe the Constables as a political party, why not have arrangements skewed in their favour too? That could justify a failure to support Islanders having a greater say in who governs them. If there is one thing that unites the former Chief Minister and the current Chief Minister, both of their political careers have been impacted by political party kingmakers given power by the current rules. What are the principles Members should be applying in considering this proposition? Our Code of Conduct states: "We must put public interest before private interest." I understand why some people will take the positions they do. I respect the desire expressed by Deputy Ahier to represent the interests of his constituents, so he should. However, he might consider there is a bigger picture here. He is suggesting the solution is for more people to challenge a political party on its own turf. I doubt he will be. I suggest any aspiring independent candidates do not ask him to be their political adviser, given what happened to candidates of political parties who did. Skewed electoral arrangements may produce more diversity but if a political party benefits from them being skewed and they were not disclosed, why are we not putting things right?

During a debate of the Government Plan last year Deputy Tadier berated the Government for not clearly disclosing information about the ramification of what he called sneaky non-disclosure. He whipped up allies in the States Assembly to a state of indignation to vote for his proposition, arts and heritage funding, protesting this is not the way things should be done. I would like to thank the Deputy for an insight into his complex principles of morality. The bringing forward of P.139/2020 was not the way things should have been done.

The Deputy Bailiff:

Deputy Scott, I hesitate to interrupt you but I do not think it is appropriate to refer to people's standards of morality during the course of the debate.

Deputy M.R. Scott:

Thank you, Sir. Sorry, I apologise to the Deputy because I do believe that he is a moral person. While caught in all these machinations, the independents in this Assembly are being squeezed out by the current arrangements and they will continue to be unless they are improved for the better. If there are communities with shared values spread Island-wide right now, which we know that there are, we need an element of Island-wide representation. Deputy Renouf, in referring to a lack of evidence for the support of Senators, overlooked that the final report of the Electoral Commission did refer to 52 per cent of those making submissions to the commission wanted to retain Members elected in an Island-wide basis. I believe many Islanders remain flabbergasted and disbelieving that the Island-wide mandate was abolished. Does my constituency support the support of political parties, let alone the system that gives them disproportionate representation? The evidence is not flimsy. Despite the re-election of my fellow St. Brelade, Deputy Tadier, Reform fielded 2 candidates in the district; they canvassed as a team. One of them was not elected. That brings into question that whether there really is that support. Candidates representing the Jersey Liberal Conservatives and the Progress Party bit the dust. Deputy Tadier is an outlier and why? Because many of my constituents simply like him and why should they not? No independent who believes that voters prefer a system that supports independents should be continuing to support the current skewed system. This proposition could be regarded as a stepping stone, out of the murky pond into which the States Assembly and the electorate has been plunged, a pond of allowable political manipulation that has never been demonstrated strictly supported by my constituents. I urge other Members, at least those who have stood as independent candidates, to support the proposition. It is the only way to support the imbalance.

2.2.7 Deputy R.S. Kovacs of St. Saviour:

I believe in the importance of fairness, inclusivity and practicality when it comes to structuring our democratic representation. I believe this proposal, although perhaps well-intentioned, does not serve the best interests of our society. Some may wrongly believe that they would have a say in the makeup of the Council of Ministers or even the Chief Minister. However, I am not aware of any Parliament where Ministerial roles are elected directly through the public election. I am glad that Deputy Moore's related amendment did not pass. The Assembly should definitely have a say on who they see fit in the Council of Ministers and on what department, based on expertise or knowledge in the field, not just on good intentions that made someone popular enough to be elected but who might not have neither any leadership skills or a clue about the subject matter. First, let us consider what Senators are expected to do. The public may have a pleasant but misguided view of what the role entails. Many believe that by introducing Senators we will somehow have a more efficient and representative Government, but this is not the case in the long run. Adding Senators will not necessarily improve the quality of our representation or the effectiveness of the Assembly. What we are to do would be to decrease the diversity of representation and I will explain why. The financial and time commitments required for an Island-wide campaign are not something everyone can easily afford, especially as independents, who lack the support of a political party. We know that some

people, especially those with parental responsibilities for young children, face significant challenges when it comes to finding the time and money to run a proper campaign in order to have fair chances. There are Members within us that are in this situation. I have small children and I understand the balancing act that comes with being a working parent. I personally would struggle if not unable to afford the time or resources needed to run for election on an Island-wide scale without significant support. This is not about the title or the glamour of being a Senator. It is about the practicality and reality of the situation. I know the work I do here, and I do it with passion and dedication. I work not just for my own constituency but for Island-wide issues and I have never rejected to help anyone, no matter what Parish they lived in. In addition to improving road traffic safety and well-being in St. Saviour, I have worked on many other issues that concern the entire Island. I disagree with what some States Members have stated, that by not having Island-wide elected Members we do not efficiently address Island-wide issues for the public and that someone elected Island-wide would do it better. I am sorry to say to everyone who supports this narrative, especially if they are part of the Council of Ministers, if they do not already consider Island-wide matters in their roles, they are not doing their job properly. I am minded that almost all the propositions brought for debate in this Assembly are for the Island-wide interest and not just for districts. Just to give some examples in the Senators' context, should we say that the hospital or cost of living should be worked on just by Senators or should be a joined-up approach for the whole Assembly? Then how can we say the Senators would address Island-wide matters as the rest can do it efficiently enough? I ask you to consider people like me, low to middle-class woman, migrants, busy parents of young children who often feel disconnected from the political process. These are the people who would be under-represented in an Island-wide election; not because they are unworthy or incapable but because they simply do not have the same resources or opportunities to run in such a broad and competitive environment on their own. If you check the declared expenses in the last few Senatorial elections, all the successful candidates have spent between £10,000 and £20,000. How could people like me ever afford to spend such an amount when this could easily be a deposit to your own flat, which I do not even own? Does that make people like me less worthy to represent Island-wide residents? But wait, I already do that as a Deputy. If we want to make the role of Senator an elitist aspiration, where only the wealthy or those without heavy familial responsibilities can succeed, then this is the direction we are heading in and how is this representative of the makeup of the Island? For the Members that made it repeatedly obvious in their speeches, that their support for the proposition is in the hope that it would disadvantage Reform Jersey candidates, I would tell them that having the support of party resources I truly believe running for Senators would give an advantage to Reform Jersey candidates. I have never opposed helping people from all Parishes or walks of life, regardless of where they live and I am sure many other States Members feel the same. However, I do believe we must consider how an Island-wide election would affect diversity in our representation. If we create a system where only those with the means to run Island-wide can do so, we risk losing the lived experiences that make for a truly representative Assembly. As we have seen in other places like Guernsey, when all-Island elections were implemented, the result was a decrease in diversity and the disconnect between elected officials and the everyday concerns of ordinary people. If the argument is that Senators, if introduced, will focus only on Island-wide issues, while Deputies continue to focus on both constituency and Island-wide matters, as we currently do, where is the fairness in work responsibilities? Apart from being elected Island-wide, the previous Senators had nothing different in their responsibilities or the way they functioned compared to Deputies. They did not even have their own separate committee or role, only a different title. It is only natural to ask, what is the point of introducing Senators in a unicameral parliamentary setting, other than changing the title? If that is all we are looking for, why not just change the Deputy title to Senator and be done with it? I personally do not care what title we use. The reality is that the current system we have with constituencies and Deputies representing our local interest, works. It gives each constituency a voice and ensures that votes have fair and equal weight. I must remind everyone of the referendum on the States reform where the public decided to remove the Senators. Let us not make the mistake of

reversing that decision now and overcomplicating the electoral system again, against the recommendation of election observers.

[15:15]

Deputy Millar stated in her speech to Deputy Tadier's amendment that the public overwhelmingly want Senators back. I do not deny that a smaller portion of the public may feel that way but the referendum results from 2013 where about 80 per cent of voters chose to remove the Senators contradicts the idea of widespread support for bringing them back. Additionally, the very low turnout at the public meetings held by the Deputy, ranging from 3 to 25 attendees, does not support the claim of overwhelming public interest, especially since these meetings were held outside of most working hours.

We have all seen how much higher the turnout is when there is overwhelming interest on a subject, and that certainly was not the case here. I also think that about 70 signatures from 2 Parishes do not validate the argument when compared to the about 80 per cent referendum results to remove Senators. Two Electoral Commissions, both of which included prominent and well-respected Jersey people were on it, from which 2 members are present in this Assembly. We heard from one of them, Deputy Renouf, accurately addressing the issue in his speech. The 2012-2013 Electoral Commission was entirely local and all agreed with removing Island-wide mandate. I ask you to think carefully about this. We are not talking about eliminating the possibility for anyone to represent Island-wide issues, we already do that. We are talking about the fairness of the system. If we want to ensure that every voice, regardless of background or resources, has the opportunity to be heard in this Assembly, we must not create a system that favours only those who can afford to run Island-wide campaigns and create unfairness in responsibilities for basically the same role. We should not revert to a more complicated electoral system with no evidence of improved efficiency when we have not even given the new system a proper chance, especially considering that it has not even completed a full term yet. Moreover, this new electoral system has brought us the most diverse Assembly in Jersey's history. In conclusion, unless you want this diversity reversed, let us not be swayed by the illusion of a more glamorous title or the idea that having Senators will automatically make us more efficient. What we need is a system that is fair, practical and representative of all people, not just those who can afford to run a high-cost campaign. Let us reject this proposal and instead focus on making sure that all of our elected Members, regardless of their title or method of election, are truly representative of the diverse and hard-working people of this Island, especially since we are all already addressing Island-wide matters on a daily basis.

2.2.8 Deputy B.B. de S.DV.M. Porée of St. Helier South:

My speech is going to be very short but, nevertheless, I do need to raise my voice to this issue. It is very clear to me that today some Jersey politicians are very intended to vote for something that will make our electoral system considerably less fair and more complicated than it is now and I ask that question, why? It has been stated in previous debates and amendments that there was a referendum with this particular proposition. Again, I will mention that the vote was 80 per cent against Senators. I cannot help to think, who is really going to benefit from a reintroduction of Senators, the public or certain Members of this Assembly? Presently, the Island is dealing with challenging and major issues, such as the housing crisis, healthcare crisis and cost-of-living crisis, just to name but a few. As a St. Helier South Deputy, I do experience a great deal of calls for support from our constituents on our surgeries over those issues. I never supported a member of the public who wanted Senators to be reinstated in my nearly 3 years as a Deputy. I do speak to every person in the Island who is happy to talk to me about their issues. Constituency surgeries are settling on to a steady pattern and gaining popularity. Constituents are free to access us on a regular basis. This is important work we offer and the general public enjoys and benefits from the opportunity to have access to politicians over their personal issues. For us States Members, constituency surgeries are also highly beneficial because it keeps us on top of the Island's current issues that are directly affecting our own

communities. To bring Senators back, that would also mean that fewer Members would be available to address constituents' concerns, as Senators historically are viewed by constituents to being concerned with much wider issues than localised ones. For all the reasons many Members spoke against the proposition, I would not be willing to reinstate Senators when it can, potentially, for all the reasons I explained before and other Members before me, also create more confusion to the voter, particularly when Jersey faces voting apathy and political alienation from the wider electorate.

Deputy R.J. Ward:

I hope you can hear me.

The Bailiff:

We can, yes, Deputy.

2.2.9 Deputy R.J. Ward:

I am so proud to be associated with the last 2 speakers who have expressed themselves so well in their first term in this Assembly and what an impact they have made. Where did their presence in this Assembly come from? From a fairer and more equitable voting system which gave opportunity. No, very early on in my political career a very experienced Member of this Assembly said to me, and it was Deputy Southern, he may have even said: "Listen, son, when they go low you go high." I have not always achieved that I think and then I get told off by the said Deputy, but that is exactly what I am going to do today. Because we need to raise this debate from some of the previous speeches. I have got to say to every single Reform voter out there, if you have not turned out to the polls yet listen to what is being said about what your beliefs and your political future and let us make sure we do turn out in our droves in the next election. I want to talk about what Island-wide means and Island-wide decisions. I have been a Deputy, I have never been a Senator. I am a Minister at the moment, people can make their own judgments on that. I know some would say I should not be that perhaps but I have a lot of experience in the area that I am a Minister for and I feel that it is relevant. But also in my time in the Assembly I have made decisions on huge numbers of Island-wide issues. I vote on the Island Plan. I brought amendments to the Island Plan. We vote on numerous Government Plans and budgets. During the time of Brexit we voted on a number of significant things, not just Island-wide but U.K. (United Kingdom) and Europe-wide effects on our Island. I was in the Assembly during COVID as a Deputy and we voted on a significant number of pieces of legislation around COVID, things that we would never have wanted to vote on. They were not local simple constituency issues and indeed there is no such thing as simple constituency issues because I do not consider my constituents as simple. I see them as important members of our community, people who work hard every single day for our Island. I voted on all sorts of other areas. Buses, I was told at the last sitting of the Assembly I was obsessed with buses. But we have been successful in this Assembly so that every single child on the Island of 18 and under can buy a bus pass and access them; that is not one constituency issue, that is the entire Island. I have voted on funding issues across this Assembly. We voted on the new hospital. We voted on so many things Island-wide that it is impossible to say that Senators will have a significantly different role. I would like the bringer of the proposition to explain in detail how they would have a wider view of Island-wide policies because I simply do not understand that. Subsequently, the creation of another level of Member makes no sense whatsoever. In terms of our electoral system at the moment, there is a simple way if you are worried about the growth of Reform; and we have not stopped growing yet, we are still going. We are on our pathway upwards for the right reasons and that is to either form a party or make sure that you stand in the right place, come up with a valid manifesto, valid ideas that members on the doorstep, constituents on the doorstep will agree with. We have done that, we do the groundwork, we do it all of the time. I urge all Members of this Assembly to do exactly the same thing - exactly the same thing - because that is the way you get people to vote. The notion that young people, I do get a subliminal question that really if young people are not voting that is not as important as we think. It is vital that we get young

people voting into the future. Just adding another type of States Member will not do that. I will say one more thing about Reform Jersey because so much has been said, I will add as well that the numbers that turned up for the roadshows, they are significant. I think the last Pint and Politics that we had, which is a Reform-led event, we get people in to discuss politics, we had about 30-odd people, so that was quite a good turnout, compared to the roadshows; we need to do more of those. But I will finish with a quote, something that people may have seen and it is this: "I think Sam Mézec and his Reform colleagues have changed the course of the political narrative on this Island for better, giving voice to the real concerns of real people and making traditionally property-focused Assembly see a lack of fairness, compassion for the less well-off and empathy as detrimental to the cohesion, health and future of this great Island." I finish with that positive quote. I will tell you where it is from, it was from 15th February and it was from the editor of the *Jersey Evening Post*. What a lovely endorsement that is. We do not need to change where we are, we need to run through this again and we need to get more people involved. I am going to finish with one thing because I want to say I am incredibly proud that I am in a party that is of equal men, equal women. The first Romanian Member of this Assembly, the first Portuguese Member of this Assembly, the first black Member of this Assembly and we really embrace diversity. If we make changes that change that diversity, that is a step backwards and I reject that. I urge Members to think extremely careful about the decision they are going to make today.

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

Sir, apologies. I just want to apologise to the Assembly but I have to leave because I have a parents/teacher event that I have to go to at 4 o'clock, so I have to leave soon. I apologise to everybody.

The Bailiff:

Very well, that is of course a matter for you.

2.2.10 The Connétable of St. Martin:

I hold the role of Senators in great affection and of course I would. My beloved father was a successful hardworking Senator for many years and my brother served well as a Senator for 6 years. I have had the privilege and the pleasure of working in this Assembly for 7 years and the past 4 years in the most diverse Assembly in Jersey's history. Even after a gruelling morning like this morning, it is still a privilege and a pleasure to work for this Assembly. I really do appreciate that some Islanders feel that they are disenfranchised by not having an Island-wide vote. I also really appreciate that the reintroduction may be at the expense of this diverse Assembly. However, as chair of P.P.C., who will be charged with bringing this forward and to show no bias, I will be abstaining.

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

I think I was possibly the only Member to switch my light on when Deputy Tadier asked if anybody was undecided. I have listened very closely to the remarks of all the Members throughout this debate. I attended the Parish meeting that Deputy Millar held in St. John so that I could listen to the views of St. John's parishioners. St. John is normally very engaged but just to clarify, Deputy Ahier, there were 21 people at the St. John meeting; 8 parishioners, 5 other members of the public, we also had 7 States Members and also a member of staff from the Greffe. When the Council of Ministers did its roadshow in St. John we had twice that amount of people came up to see the Council of Ministers. In addition, I have had numerous conversations with individual parishioners where they have expressed their views on Senators. I am hearing a consistent message about Senators. Unfortunately, the vast majority of people sharing that message come from one demographic. The older members of our community are far more in favour in general, although I have to be very careful not to include Mrs. J in that category. I should make it clear that I wholeheartedly respect the views of these people.

One of the arguments at the St. John meeting was that the Senatorial elections attracted better quality of candidates.

[15:30]

Having attended that meeting with the intention of just listening, I could not keep quiet any longer. We have had candidates who could not get 1,000 votes across the Island, yes, a Senatorial candidate with less votes than a Constable from a small Parish like St. John. In 2011, 6 of the 13 candidates could not muster 3,000 votes each. As I reminded the meeting, I can still remember the cardboard cut-out taking its place at a hustings on a Senatorial platform. I am of course cognisant of my position in the 2013 and 2014 referendums. Now, as then, there are a variety of views and arguments that one has to balance. Like all Members, I take these matters very seriously and I can say that this is the only debate, other than the Bridging Island Plan, that has caused me to lose sleep. While respecting any Member who chooses to abstain and of course the chair of P.P.C., I fully respect that, I do think we have to make decisions, however difficult they may be. We should not change any part of our Constitution without proper thought. I think it is fair to say that this is an issue which has had its fair share of consideration and air time. I have heard the public's clear views on Senators, both on the doorstep during the last election and in the build-up to this debate. On those doorsteps I certainly did not promise to bring a proposition to return the role of Senator. I have never been opposed to the principle of the Island-wide mandate and have always made this clear. I have said publicly and will repeat again, I would support a move to a Guernsey-type system with perhaps 30 or 36 Senators and 12 Constables. One particular comment over recent days has resonated with me, it was that the public have never been given the opportunity to support a reformed electoral system that included Senators. They have never had a referendum on the Senators and in 2013 the only option for keeping Senators was to maintain the status quo. I thought it was a fair point and it has given me serious cause for reflection. I can see the arguments for not wanting to return to 3 classes of Member and I can see the arguments in favour. We all wanted turnout to go up in 2022 but, unfortunately, it went down. We are all elected as leaders in our community. One of the most crucial roles of a leader is to be a learner. In a modern world leaders should accept to be wrong. They should be we will learn it all, rather than we know it all. Another leadership quote that I like is this: "The very leaders who have feared changing their minds must change their minds about changing their minds." This quote can be true for those on both sides of this argument. Having thought long and hard about this, I think those that are advocating a return of Senator must change their minds about changing their minds. As leaders, sometimes you have to change course if you have made a mistake. Equally, at times you need to keep your nerve and allow any change time to settle in. Yesterday I quoted from a letter from 2013 and, having worked tirelessly on option B, a campaign for a fairer system, I cannot bring myself to letting down those 80 per cent of people who took the trouble to vote for change in that referendum. I will close by once again quoting from the *J.E.P.* In fact the article was written by a St. John resident and the headline read: "Jersey does not need Senators, what we need is effective leadership, politicians who listen to voters and deliver results." The article went on to say: "The debate is a distraction to keep us from noticing the real issues, a system that is resistant to change, allergic to accountability and utterly detached from the concerns of everyday Islanders." Taking all of that into account, I think it is time to keep our nerve.

2.2.12 Deputy H.M. Miles:

As I said in my previous speech, I committed to supporting the reintroduction of Senators in my manifesto and my view has not changed. The office of Senator is the clearest and most democratic element of our electoral framework. If this proposition is adopted every eligible voter in Jersey has an equal say in choosing their Senators; 9 votes, 9 seats in the Assembly, a system that is as equitable as it is effective. In removing Senators at the last election some have the view that it made our system simpler but it was ironically stripped of its most straightforward and widely understood component. That is what I heard on the doorsteps of St. Brelade when I was campaigning and it is what I have

heard from parishioners ever since. I was at the Parish Hall for Deputy Millar's meeting and I have received many emails in the same vein. I have received no emails or contact to suggest the opposite. The message I consistently hear is that the public want the Senators back. It is not merely my opinion, the view is substantiated by history. Over the years we have seen repeated evidence of public support for retaining Senators. The Connétable of St. Brelade referred to the 2006 Ipsos M.O.R.I. poll which indicated a majority preference for keeping them and a similar sentiment was recorded in the Electoral Commission's findings in 2012 and, again, in another Ipsos M.O.R.I. poll conducted by the Scrutiny Panel in 2017. Time and time again Islanders have expressed their desire to retain this vital office. If there was a referendum now on the Senators, just as there was on the Connétables, I think Members know how Islanders would vote. It is not a question of having to trade in one type of Member for another. Islanders are entitled to want the States to consist of more than one type of States Member. A robust democracy thrives when its people have a meaningful say in their governance and the ability to vote in Senatorial elections provided just that. When they were abolished we diminished the voice of our electorate and I would argue that this made our democracy less representative; that is certainly how the public felt and I think they were right. There is little evidence to suggest that the removal of Senators increased voter turnout, indeed the opposite seems to be true. I have heard people tell me that they did not vote and will not vote again until the role is restored. If anything, history has shown us that Senatorial elections engage the public more effectively than other elections. They encourage debate on Island-wide issues, rather than focusing solely on local or Parish matters. We need only to look to our sister island, Guernsey, to see the impact of an all-Island electoral system. The recent shift to a similar model has resulted in greater political engagement and increased turnout, albeit some Guernsey politicians do consider that the all-Island mandate has affected their relationship with their Parishes. But we are not proposing to go all out for Senators, we are proposing a balance between Parish, district and all-Island. Another point that I want to address is the current claim that our electoral system would become more complex if we reintroduce Senators. I disagree. Any system can be complex. What is needed is clear guidance on how it operates. In the U.K. there are parish councillors, district councillors, county councillors, sometimes there are unitary authorities covering all of these tiers. There are mayors, members of regional assemblies, members of devolved legislatures, M.P.s (Members of Parliament) in the House of Commons, peers in the House of Lords and for nearly 40 years we have members of the European Parliament as well. By comparison, having Senators, Deputies and Constables does not seem too much of an ask. What matters is whether the system is broadly fair, effective and serves the interests of the public. A vote in favour of this proposition would bring back a political office that the public have demonstrated they want and the one that is the easiest to understand. It would be the most democratic, straightforward and equitable aspect of our electoral system. I too have listened carefully to arguments on both sides of the debate and I recognise that there are legitimate concerns. However, those concerns should be addressed in a way that enhances democratic participation, rather than undermines it. Reinstating the office of Senator would not sacrifice fundamental democratic principles. We can restore the political landscape of our Island ensuring the balance and stability of our Assembly, a balance that up until 2022 had served us very well since 1948. We do not have to conform to external pressures or model ourselves after other jurisdictions if it does not serve the best interests of Jersey. We have heard that view from the Attorney General. As I said previously, like it or not, the public are not really bothered by the Venice Commission. As Deputy Millar said, Senators have a deep significance to a majority of our population in Jersey. Jersey is a prosperous and successful Island. We must be doing something right. We have always paddled our own canoe and we should continue to do so by making choices that strengthen rather than weaken our democratic institutions. We should seek to restore the electorate's ability to more directly shape their own Government. We should not ignore the electorate who are telling us loud and clear that this is what they want. I will be supporting this proposition.

Deputy I. Gardiner of St. Helier North:

Can you hear me well online?

The Bailiff:

Yes, we can hear you.

2.2.13 Deputy I. Gardiner:

Thank you very much. I am really grateful for all contributors to this debate and I was listening. As the Connétable of St. John, I am really reflecting; my voting records on this is very well-known. I have 4 times in this Assembly voted to take Senators out and to try to achieve the more democratic way of election in what was in my perception. If I am going now to my constituency at St. Helier North, and I was knocking on the doors, on the doors during the elections I think the majority of the district did raise with me that they are not happy with losing Senators. The district is diverse but there are lots of parts of the district that are countryside. Since the proposition was lodged I did have around 6 surgeries, the attendance in various ways. I would say that currently probably the views were 50/50. It is something that people do think and do feel they need to consider. Where I am struggling and where I am thinking where to vote, and I will continue to listen, we have a very diverse Assembly now. I am not sure why we are thinking if Senators will go back we will have a less diverse Assembly. I have heard the arguments that St. Helier will lose votes, why they decided that 35,000 of the population, if they will not be engaged properly, why we would not have Senators elected in St. Helier from St. Helier, even though the Senators need to deal with Island-wide issues as it looks like. But the question is, why are we sure that nobody would represent St. Helier? We are saying that Senators are losing touch with the public. I am asking, why Senators would not do drop-in sessions like the Deputies do? Through my surgeries I have people coming from other parts of the Island, it is not closed only for St. Helier, it is also open for other Islanders. I cannot see why Senators would not continue to do drop-in sessions and continue to communicate with the public. Another thing, and a third why: why we think that Senators are less democratic? I personally would prefer to have one type of States Member. I was trying to do it at the beginning in 2019, 6 years ago, but we are not there. Why the compromise with Constables feels more democratic than the compromise with the Senators? I do not know. This is where I am really thinking how I am going to vote this time. But what is clear, this is not the last debate. If Senators will be introduced or not be introduced we will have more debates in the next term. What is clear for me is that we did not really manage to convince the public that the system is better over the last 4 years. In St. Helier North, despite what Deputy Tadier yesterday told us that we did not have Reform candidates, we did have Reform candidates in all 3 elections in St. Helier, and also we did have Reform candidates. I am reflecting now at what Deputy Miles said, and I am grateful for what Deputy Miles said, most of the systems are complex around the world. It is around how we make clear rules that the system will work. I believe if Senators would be introduced we would need to look at what does it mean to have 3 types of States Members and what roles they would have. There are lots of questions. I will continue to listen to the debate.

[15:45]

2.2.14 Deputy L.V. Feltham:

I am particularly pleased to follow the last speaker because it was people such as Deputy Gardiner who are undecided that I was hoping to speak to in my speech. I think what may have been lost in some of the speeches in this debate so far is we are not just debating the reinstatement of Senators. What is very different about this proposition, and Deputy Millar mentions it in her report, is while the other propositions that have been brought before us in this term of office have not specified the way in which to bring back Senators or the Island-wide mandate, this specific proposition is very specific about that. It includes how Senators would be introduced. More importantly, it suggests that the Deputy should be removed from each of the districts. That is why, I think, even if you are in favour of reintroducing Senators, you need to think very carefully and think twice about whether

or not you support this particular proposition. The Deputy mentions in her report that this is a response to people feeling disenfranchised. We have heard from many speakers during the debates over the last few days around how the current system is the most equitable, fair system that we have ever had. I know that the previous Privileges and Procedures Committee put an awful lot of work into working out what would be a fair system that would lead to as much voter equity as we could possibly maintain on-Island. So it seems to me that it is an odd response to people feeling disenfranchised to vote in favour of a system that ... as Deputy Alex Curtis made the point very well yesterday in his speech, this proposed system in this particular proposition does disenfranchise some voters. Specifically - as Deputy Curtis outlined - the voters of St. Helier South and St. Helier North. Speaking to Deputy Gardiner's speech just before me, I would say to Deputy Gardiner, if you are thinking that Senators may be a good thing to reintroduce you may well wish to think twice about whether this is the right way to reintroduce Senators and whether it serves your constituency in the best possible manner. I have been disappointed by some comments made in this debate and I think there have been some unfortunate comments made in the debate. I was surprised to hear Deputy Millar in her proposal speech when she suggested that we should not listen to people from outside of the Island that were theorists and specialists in this particular subject. I did think to myself, I wonder if Deputy Millar would say the same to the Fiscal Policy Panel when she next meets them. It is important that we are able to take on board advice from specialists in areas, particularly when it is something that is so fundamental to our democracy and so important to get right. I am in favour of maintaining the current system. I think that what we ended up with post the 2022 election is a far more equitable system than we had before. As other people have said, we have by far the most diverse Assembly that we have ever had on this Island, and that is something we should be celebrating and protecting. We should not be looking backwards. For me, what is being proposed in this proposition does not give a fairer system; it is backwards-looking and, as I said, it disenfranchises some voters, merely to appease people who feel disenfranchised. Again, going through the report on this proposition, Deputy Millar discusses promoting fairness. She makes the point that in some districts people were able to get elected with far fewer numbers than others. I think that we do have a lot of work to do in terms of voter engagement. Again, I do not think that this is the solution. I know my people in St. Helier Central have felt disenfranchised for many, many, many years due to previous systems. It is going to take a lot to win their confidence. What will win their confidence is the type of diverse Assembly that we see today. It is also worth pointing out that we have as an Assembly just yesterday agreed to keep the Constables in the Assembly. I work very well with Constables, I have got a lot of respect for them. They are very good as Ministers and I do not think that having a parochial vote should prevent somebody from being a Minister. Again I was disappointed that the report suggests that we are becoming too parochial. I do not think we are. I think, as Deputy Ward said, that we all vote and think on an Island-wide basis and whether you are a Parish Constable or you are a Deputy for a district, that does not prevent you from being able to undertake that thinking. So I would urge those that are on the fence to think very, very carefully about what they are voting for here, to think very, very carefully before we make what is currently the most equitable system that we have ever had into a less equitable system. I urge you to vote against this proposition.

2.2.15 Deputy P.F.C. Ozouf:

You have not been here, Sir, to listen to the ... is it 2 days? I have lost count of how long we have been talking, so it is good to have a fresh ... not that your Deputy is any less fresh when he has been sitting there for so long, but you have to listen through to debates. I just say that we are speaking about ourselves to ourselves, and I am not sure that we are speaking to Islanders. I do not know who the movers of the proposition and the defenders of Senators have been talking to but I think that Islanders want us to deliver on their priorities, and I question whether or not this is a good use of our time. So I am going to be very brief, looking at the introduction of the timers that I asked to have introduced a while ago, and delighted to see. Decisions are not binary. There are trade-off decisions

on all matters. I believe that we should be talking about how to allocate the scarce resource that is taxpayers' money, public money for public good. I would suggest to Members to reflect on the reality that the chief executive officer of the States of Jersey said that Ministers - and all of us - need to prioritise precious resources. We must not do too much; we can only do a few things and a few things well. I represent the people of St. Saviour and I am sorry that my Deputy colleagues, the Minister for Health and Social Services, the Constable is not here but maybe he will listen to my speech and he will want to come in because I want to say that at the end of our term as the representatives of St. Saviour we are going to deliver for our Parish, and - while I am wearing a St. Saviour badge - I am going to put the Island badge on as well because I think it is absolute nonsense to say that Deputies do not look after the Island. We do. **[Approbation]** We do. To suggest that there is a somehow greater issue of Island-wide mandates with Island-wide issues is absolute rubbish, in my view. I know I have not pulled my weight in the last year and I regret. I have been unwell. But I have promised to endlessly not be in a bad place. It is 2 years today since a Parish church funeral, I was so proud and privileged that the Council of Ministers went to, 700 people, a life cut short, but I have got to move on and I will. I can celebrate the past but I can move on, and I want to work with my Deputy colleagues in St. Saviour and our Constable to improve the really concerning issues that are affecting the people's lives of St. Saviour. Cost of living, housing, healthcare, community facilities, and important traffic issues, road issues. I am confident in our Deputies and, by the way, we have a Deputy who is the Minister for Health and Social Services, we have a Deputy who is the Scrutiny Panel chair who scrutinises him. We have got an Assistant Chief Minister, we have got a respected Member who is on lots of panels doing lots of hard work. I have forgotten maybe one of them. We are all important. Our Constable was a Deputy; he was a Minister. Was he a lesser Minister because he was not a Senator? Is the current Constable of St. John - who gave an excellent speech - a lesser Minister because he is a Constable? No, he is not. We are all equal in here. There is my Constable; and I am sorry if I did make some remarks which offended him, I did not mean to. He was no lesser a Minister as a Deputy. He had a mandate from the people of St. Saviour in that system, and a Constable is not a lesser Minister. I do worry about the fact that this Island-wide idea is somehow going to magically deliver a better Jersey. It is going to make Jersey great again. Is it? I do not think so. Every Deputy, every Constable, has to balance the local accountability that they have with Island-wide responsibility. We of course have to advance our issues of our Parishes and our constituencies; that is our job. But not at the cost of Island-wide issues. That is why we are here; we are all here together in an Assembly. Every Deputy has to do that, every Constable has to do that; the argument that Deputies are somehow second class citizens is wrong. I think it is false. I do not want to dwell on the past, I have a sign above my desk that says: "Do not spend too much of today on yesterday" so I will not. I will briefly laser in on the micro matters and the macro Island-wide issues. They equally matter. I did serve as one of the Senators, I was one of the last Senators standing. Before I decided to retire I was one of the last people who supported Senators. I amended stuff endlessly, much to the irritation of people. I lost that debate. But there is one thing that has not been said in this debate. Analysis of past election of Senatorial results says one thing: the same top ranking Senators - in other words the ones that get in - would likely be elected in their districts. The order may be different but the results are the same. It would hardly make a difference. So if we needed to prove that the multi-seat constituents, which are arguably better, are manifestly better and has been explained, we have got the proof. We had proper elections last time around and they were almost a subset of the Senatorials. They were mini-Senatorials, if that makes Members feel better, and they worked. The problem is not the method, it is the participation. That is what we have got to do. We have got to improve our voter turnout. I say to the binary question; those 3 people that turned up to St. Saviour, the 3 people who wanted to have Senators, I accept that the reply to the binary question was yes, but is it the right question? It is about trade-offs. When I asked that person whether they wanted sunny days tomorrow they said: "Yes, please." I said: "Do you realise that there is a trade-off to this discussion, that losing a Deputy of St. Saviour, the cost of legislation, the cost of bringing this all forward, would be less outcomes for you potentially?" I have

spent time working it out. I am pretty sad at spreadsheets. I think that this debate has cost us so far £30,000; £30,000 of public money, let alone the frustration of the people who have had to listen to this and all the journalists, et cetera. Scrutiny brought forward a life-changing report - I think the Deputy from St. Saviour knows what I am talking about - and I just say very delicately, the money that we have spent in the last 3 days would have changed 15 lives for the rest of this year. It is about allocation of scarce resources, I say to the Minister for Treasury and Resources. We need to transform lives. It was John Maynard Keynes that said: "When the facts change, I change my mind." We have got facts, we have had them, and we had to change our mind. I give those Members who may not be - I do not know whether this is a done deal yet, it is difficult to know sometimes - but giving voters 3 ballot papers and 9 votes for 9 Senators is not clarity.

[16:00]

It is utter confusion, especially when voters hardly know the names of people, let alone what they stand for. That is not democracy; it is a falsehood of a democracy. It is a lottery, just like the casino that the Gambling Control Committee once wanted. I said no to casinos and I had the backing of the Assembly. Let us not have a casino of a lottery election with 3 different ballot papers with 9 seats and Senators in multi-seat constituencies, which work, and I hope a "none of the above" candidate. I like our Constable; I hope he gets back in. It is not fair. We are not basically giving people the truth in terms of the reality that there are trade-offs. It is not that simple just to say: "Well, we will get some money in and we will reallocate some resources and, bingo, we will get a better Island-wide mandate." It is not true. Is the outcomes of a Senatorial election better? People might feel better but what they actually want is outcomes. I would like the Minister for Treasury and Resources to focus on the most important pressing needs of Islanders, so the Privileges and Procedures President can deal with the outcome of this debate but I worry about this debate. It has exposed some real splits within the Council of Ministers. I do not want to see this Council of Ministers do anything else apart from be united and focused on delivery. The Minister for Treasury and Resources is shaking her head and yet she is responsible for asking somebody to take out legislation which another Minister is going to have to pay for. It is not right to say there is no trade-off. There is a trade-off, there is a cost of doing everything. I might be told later that I know the price of everything and the value of nothing. Well, I think I know what the value of democracy is and democracy is about fairness. Deputy Sir Philip Bailhache sounded like a more liberal person of the Conservative Liberal Party, if I may say, the Conservative member of the Assistant Chief Minister - he is the other Deputy, he does a jolly good job - and maybe Deputy Sir Philip Bailhache has been speaking to the Canadian Liberal Party. Jolly good; we need to work with them. I do not want to joke and I do not want to make any light of this. The divisions in this Assembly have been clear. I am told that it is almost going to be a tied vote. The vote on whether to move to 2030 was extremely narrow. I do not want to see divisions creeping in this Assembly; I want us to be united between now and the next election to deliver on the people's priorities that put us here to serve them with outcomes. I do not want to speak any longer but I cannot vote for this proposition. I have thought about abstaining but I have been persuaded that I should vote against it because of the principles. I am not against Senators, I would like to have them in a Senate one day, but not now. I want us to concentrate on the people's priorities. It is not indecision; I want to have a proposal that is fair, evidenced and is the priority for the people. I think I owe Islanders and the people of St. Saviour better. I want to get back to work on what truly matters. I will be voting against this proposition.

2.2.16 Deputy A.F. Curtis:

Apologies; Members are getting tired, and I will do my best to follow Standing Orders and not repeat the good comments made by others. I did want to speak on this because for a start I feel eyes sometimes have darted around the room when we talk about the younger generation here, and unfortunately I may have to be one of the representatives of that, being the youngest elected Member of this sitting, and I will come back to that about who are we representing and who are we speaking

to when we talk about this. Firstly, I want to talk about perceptions though. Deputy Renouf captured a lot of what I think others would have wanted to have said, and hopefully sped the debate up with such an eloquent speech. But he almost came to the conclusion that this was a circular question to a solution, that I need Senators because I need Senators, or I want Senators because I want Senators. One of the other perceptions is: "I want that because I cannot vote for who I want to." We have heard that kind of somewhat dismissed as well. I just want to give Members the number from 2018 as to what that really means. In the 2018 election we had candidates for Senator, for Connétable, and for Deputy. There were 8 seats for Senator, of which 17 candidates stood. There were 12 seats for Connétable, of which 14 candidates stood, one withdrew, resulting in one contested election. There were 60 people who ran for 29 Deputy positions, so roughly a similar ratio in competitiveness when it came to Senator to Deputy. But what that means is out of the 91 candidates that stood you only ever had a chance of influencing 17 of those; 74 people in that - no matter how much you loved them - you had no say in. If we return to a system like this you still will not have a say in it. What did that mean in 2018? It meant Assistant Ministers and Ministers who you might have loved and wanted to see return, you would still have no say in. We now have Deputy Luce, who could be our candidate Luce, and you may really want him back as Minister for the Environment. He may not want to be a Senator. So somebody who tells me: "I did not get a vote for who I wanted to" I am asking: "Who did you want to vote for and what did they stand as?" Because the statistics are they still will not stand as a Senator, and the statistics are they will still, if they are competent and the Assembly wants to feature them in a Council; feature in a Council or feature in a prominent role. Likewise, topping the polls in St. Lawrence, St. John and Trinity, candidate Morel may decide he wants to complete a second term as Minister for Sustainable Economic Development but he knows that he can do so under a candidature of Deputy and not Senator. So what happens when my constituents come to me and say: "I did not get to vote for who I wanted to"? My question would be: "Who did you want to vote for and what did they stand as?" We have heard the arguments about the value of a Senator, what is actually any different, and anything that offered a change - Deputy Tadier's amendment - has already been washed away. So perceptions are a hard one; people are saying: "I really want this." Members have had a lot of time to consider whether it makes a difference and the risks involved, and we have to make hard decisions here against perception sometimes. We have seen petitions requesting things like a living wage for pensioners; the perception is we need to give more money and the reality is we have to make compromise and sometimes we have to say the hard things to people who hopefully value us saying hard things to them in return. The hard thing is that if we want equity and if we want you to have a fair vote, that what is proposed today is not it. That comes back to equity. Now, I proposed some numbers off the back of a spreadsheet shared about equity, and the story is sad and I will not repeat that, but it does leave an interesting question I would like the proposer to reflect on if I am to retain some open mind. I think her concern about the boundary commission was bureaucracy; it was about delay. She originally, when she proposed this, this is a straightforward and simple thing, Members can accept it. So if an amendment comes forward changing where those Deputies are taken from to create something more equitable, no consultation, straight, nice and simple. Will she accept it? Will she accept more Deputies lost from her district in the pursuit of Senators if it is fair? I would like her to reflect on that and answer it, because that might well come in the legislation. What are we playing for? Is it for Senators or is it a fight for the rural Parishes? Good quality representatives, I wrote here. Yes, I think we get good quality representatives under this system. It is quite clear we have a good bunch of people here who have different opinions, stretch debates on too long sometimes, but I think it is a good Assembly. I will touch on age. It has to be said, it is true that the people who want this are in an older demographic, and we all represent an older demographic because we are all getting older and we know the challenges, but if I speak to people my age and they look at this debate they go: "Really? Is that what you do? I just need to get out and I need to see people who bring legislation, they need to make change." I worry, for example, about the mover's original remit, which is the Social Security Fund. People my age worry that it runs out in 2081. This Assembly has said: "That is fine, the fund is in good health because it has funds until 2081." My generation care; that is

not long enough. But, no, we are not talking about that today. The arguments today have been so good. I fear that if it is a close one, the arguments put forward just do not stack up. I have heard this about some propositions we debate here, that if we see this pass those who vote contre will have won the debate but they will have lost the vote.

2.2.17 Deputy C.S. Alves:

I am just going to boil this down to 3 issues. There is the issue of unnecessary complexity and disruption. The whole point of the current system was to simplify representation. Reintroducing the Senators would add another layer of complexity. It undermines these efforts and it leads to political instability. How many times have we heard in this Assembly about instability causing issues, for example, when we have discussed things such as tax reforms? My second point would be campaign challenges and inequality. We have heard today that an Island-wide campaign requires more resources, which potentially favours more well-funded or well-known candidates, and that this in turn will obviously decrease diversity and create another barrier for people who are considering to stand. In addition, we have also spoken about the voter equity for some voters, as mentioned previously by other Members, and I want to just reiterate that voting for this will decrease the value of the votes for some of your constituents. I sincerely hope that especially my fellow St. Helier representatives remember this when they cast their vote. Lastly, this is one that has been brought up quite a lot, that there is public demand for this. There is no clear public demand for this. There has been no overwhelming demand from the public to bring back the Senators, and I am going to use some facts and data to back this up. I am not going to mention the referendum because that has been mentioned enough. I am going to be looking at recent data that we have collected from Islanders and facts. I am just going to start off with the 2022 Jersey Opinions and Lifestyle Survey Report, which I really hope that people will not bring into question the validity of because we often do this survey. Figure 3.4, it says here: “Adults who did not vote in the June 2022 election were asked why they did not vote.” In top place with 30 per cent: “Would not have made a difference.” Second place, 28 per cent: “Do not trust the political system.” Third place, 24 per cent: “Not interested in the election.” Joint fourth place: “Did not know enough about the candidates/other.” I am not sure what “other” was. The next one, 17 per cent: “Nobody I wanted to vote for.” Which was joint with: “I do not understand the political system.” What was at the bottom of that: “Loss of the Island-wide Senator role.” Three per cent. In June 2023, following an on-Island piece of research which was independently conducted by Dr. Chris Pich, a professor at the University of Nottingham, published a 27-page report entitled *Exploring the voter journey in the context of Jersey, engagement, barriers and recommendations*. Under the section entitled “Barriers of engagement - why don’t people vote” I am going to quote some of the direct contributions given in those focus groups by people who live on the Island. Bearing in mind this report was published in June 2023: “The system is confusing” was quoted at least twice: “Political system a muddle”, “I do not understand the system, as much as I am trying to find out, it is very confusing for outsiders. If I struggle, kids and young people will struggle too.” “The political system is confusing, all Island-wide and Constables should be removed from the States.” “Whole electoral system is madness and baffling, too much duplication.” “Too many politicians.” It is not just outsiders that do not know or are confused on the system of voting, but Jersey people do not know either. We have heard that lots of Islanders did not vote in 2022 because they had lost the Island-wide mandate, yet voter turnout did not radically plummet in 2022, despite the fact that we had introduced a completely new system. Our voter turnout only went down by 1 per cent, and just as a reminder and to address some other Members’ points that these reforms decreased turnout, turnout for elections which included the option of Senators, 39 per cent in 2014.

[16:15]

In 2018 it was 43 per cent. If there was such a mass public protest by those annoyed at losing the Senatorial option choosing to stay away from the polls, then where did the voters come from in 2022? Is it possible that the new system resonated with some of the people who did not usually vote? I

know they were some of the conversations I had when I was on the doorstep. Should we not be looking to build on that this time around instead of simply going backwards to a system which itself did not deliver higher voter turnout across the Island? As Members, how many times have we voted for things that many of our constituents are not necessarily in favour of, but they are in the best interests of the Island and best practice. So to those Members who I know are feeling the pressure because they have had a petition signed by a small number of constituents calling to reinstate the Senators, I wish to remind those Members of the thousands of people who signed a petition against the imposition of G.S.T. (goods and services tax). How did Members vote then? Because I know how my party voted. Our priority in this Assembly should be raising political awareness and education and decreasing any barriers that present to people voting or standing for election. We have had an education and awareness programme that is already in place that has been running for this term, which is 3 years in at the moment, but it was also running previously. We are now looking to basically scrap all that work, or the majority of that work, and give less than a year to re-educate. This is disruptive but not only it is disruptive, I am also going to raise another issue which has not been spoken about in this debate, which is the cost. What is the impact on our finances? Let us have a look at that, shall we. I know many Members are aware that we now have a fantastic little States Assembly booklet that has been translated into a number of different languages that tries to explain our system and how that is made up. Just to get those reprinted and retranslated you are looking at about £3,000. That is not including the human resources associated with that. We have also got an animation video, which will also cost thousands of pounds to look at redoing, not to mention an Island-wide mailshot for the manifesto booklets will have a higher cost implication because it will be a bigger booklet. But what is most concerning is the cost that is much harder to estimate which is in trying to re-educate the public about another change in our system. I think Members need to think very, very hard about this. Let us allow this new system a chance to establish before we further confuse the public. Let us let the changes which are implemented for the last elections have some time to resonate with Islanders, and let us turn our focus to raising awareness and knowledge of our elections, how to vote, and increase our voter turnout, especially by those aged under 55.

Deputy M.E. Millar:

Could I just ask the Deputy to confirm something?

The Bailiff:

Are you seeking a point of clarification?

Deputy M.E. Millar:

Yes, the Deputy mentioned a report and can she just confirm the date of that report?

The Bailiff:

Would you give way for that point of clarification, Deputy?

Deputy C.S. Alves:

That is absolutely fine. It was published in June 2023. The name of the report is *Exploring the voter Journey in the context of Jersey, engagement barriers and recommendations*, and it was conducted by Dr. Chris Pich, a Professor at Nottingham University.

2.2.18 Deputy K.M. Wilson:

As someone who has previously voted for Senators, the debate over the last few days and in my previous discussions with parishioners has presented some challenges to some of my original assumptions. It is true at the time of the election that some parishioners felt aggrieved about the removal of the Island-wide mandate. Since being elected, some parishioners have continued to call for the return of the Senators, but I have to say that this has not been a consistent issue for them and it has not been at the forefront of our Parish debates, as it has perhaps in the case of some other

Parishes. In St. Clement I believe we have moved on and, as one parishioner put it: “We are well-represented by our Connétable and our Deputies.” What this tells me is that what matters most to people when it comes to our responsibilities as elected Members is that we do right by them. Surely if we all aspire to do our best by our parishioners we do not need the complexity of 3 roles in our Parishes. This is simply overkill and designed to make it even more complicated for the electorate to exercise their democratic right to vote. Like some of us in the Assembly, I have no experience of the system where Senators, Constables and Deputies worked alongside one another, but I accepted in good faith the views of those who did and who wished to see a return. What I know now is that this has not been a priority in my contact with parishioners, but what is important to them is what we are doing as an Assembly on issues about housing, health, education, jobs, taxes, welfare, planning and the environment; things that affect their lives. I did say I would support efforts to return the Island-wide mandate but that opportunity to provide an evidence-based approach to this major constitutional change has been taken away and I do not have any other explanation to offer constituents other than to say Deputy Millar held some roadshows with a few people from a certain demographic and this is where we are. This, in my view, disenfranchises the majority of those who may have a view, but have not been able to express it yet, as to how the role of Senators would or could work in our current democratic arrangement. What I do know is that the current system enabled me to be here as an elected representative. It enabled me to undertake an Island-wide role as a first time politician. It enabled me to be a Minister; something I consider an exceptional privilege. It is my contribution to public life that is valued by my parishioners, others who speak with me outside of my Parish, as well as some of the colleagues in the Assembly, and not the role I hold. Representation is what matters. Our current arrangement has brought forward a diverse Assembly, as many have said, and a fairer electoral system that went before, and it is now starting to reflect the population it serves. If we revert back to what went before can we be sure the representation will be the same as now, or better, for all Islanders, and particularly with regard to parishioners in St. Clement? I am questioning in this debate if Deputy Millar’s proposal is going to serve the interest of Islanders, both urban and country. It is not democratic to rely on evidence that falls short of the evidence I think most Islanders would expect to see in support of her argument. St. Clement is represented by those who have previously held office as Bailiff, Senator, Minister and Assistant Ministers, all of which have been required to have an Island-wide focus. We are all Deputies now working collegiately and collaboratively on our local and Island-wide programme, so why would we need to change this? This proposition has challenged a number of assumptions I previously held, as I said earlier, one being that Senators are the only way to reflect the will of the people on an Island-wide basis. I am not against Senators, I just do not believe we are in the right place or the right time to support Deputy Millar’s proposition. We have a long way to build confidence in our democracy with the public and stimulate interest across all ages and all sections of our community. It has been stated earlier that we are a parliamentary democracy and we must retain confidence in our evidence-based democratic processes or - as the Connétable of St. John put it - hold our nerve. The current system has been observed and informed by constitutional experts which tell us that the current system we have is both fair and equitable, and let us not forget people voted for this change. Some people are bereft still on the loss of the Island-wide mandate in the Senatorial role, but many people have moved on and have expectations of current elected Members to deliver on the matters that matter most to them. Jersey’s system has evolved since Senators were last elected. The current system with Deputies was implemented to address certain issues. Have we considered whether those issues have been resolved or if new challenges have emerged? Of course the return of Senators and the Island-wide mandate might be appropriate, but the simple fact is we do not know, and the reason we do not know is because we have not done the evaluation of the current system. To fully understand what needs to change and, more importantly, to ask the people of the Island as a whole, not just those who shout loudest, how we govern our Island. This may retain Senators and a return of the Island-wide mandate but we simply do not know if that will be the case made by the people for the people. I will conclude by saying this, in my view, is a serious constitutional matter and there is a need to find the

right mechanism to establish the governance of the Island in line with voter expectations and international standards. We had it for the current arrangement; why is the same not expected on this proposition? It is on that basis that I will be not supporting this proposition from Deputy Millar.

2.2.19 Deputy L.M.C. Doublet:

I was just quickly rewriting the start of my speech based on the previous 2 speakers. I enjoyed listening to those 2 speeches and I think the competence and the depth of knowledge displayed from Deputy Alves was really notable, and the thoughtful reflection and reasoning from Deputy Wilson. I really appreciated both of those speeches. Low voter turnout was something that Deputy Alves addressed, and I learnt something from those numbers. I found that really interesting and really relevant to the debate. Indeed it is weighted against this proposition, and quite significantly I think given those numbers that Deputy Alves quoted. In terms of the low voter turnout, I agree with previous speakers who have said that we cannot judge it from one election and we must let this bed-in. I wanted to remind Members that this engagement with our political system is down to us. We are responsible for engaging voters in the democratic process and it is down to us to inspire our citizens to go and use their vote. Part of that is committing to conducting our business in and out of the Assembly with dignity and respect for one another, and coming to the Assembly with well-researched propositions and speeches, and giving matters that thought and reflection. That is what is going to increase the voter turnout. In theory, I would not be opposed to an Island-wide mandate but this proposition today is not the solution. Others have said it better than I can that the numbers just do not add up. I have taken some time to look at the numbers and reflect on them and they are very clear, it does not add up. So much work went into the reform of our system before the previous election, and it was numbers-based and it was intensive work, not just crafting all the different possibilities but explaining those to Members and helping Members to understand what the impact of those different options would be on Islanders from different parts of the Island. I am going to mention Deputy Alves again because she pioneered this work and she put blood, sweat and tears into it. She put years of her life into this to come up with something for our Island, which collectively in the States Assembly we listened to and we compromised, because what we have now is not perfect but it is the best system that we have ever had. It is the result of compromise, which I think we need to do more in this Assembly. It was based on evidence, research and best practice; it was not based on what was popular or what would be the easy decision. I would like Members who are undecided or who are thinking of voting for this to really reflect on whether they are going to take an approach today that is based on evidence and research, and to vote accordingly. Across our Island, yes, there are some who advocate for bringing back Senators but thanks to the numbers that Deputy Alves has quoted we know that is a very small percentage. I think she said it was 3 per cent. It is certainly not the biggest issue that my parishioners and Islanders are contacting me about. They are more concerned with the quality of our health service and the cost of living. I want to talk thematically and get to the essence of what this debate is about, and Members may expect me to talk about diversity but I am not going to cover that because I thought that previous speakers, such as Deputy Kovacs, Deputy Porée, and others have covered that excellently. It is about diversity but, more importantly, this is a debate about power. It is a debate about how much power different types of people across our Island have. It is a debate about how power is distributed and it is in our gift to decide how we distribute that power.

[16:30]

In a legitimate democracy power lies equally in the hands of every citizen. Voting for and electing individuals to represent them is how that power is exercised in by our citizens. In a legitimate democracy every vote has the same amount of power. I will repeat, the current system we have is the closest we have ever had to this equal distribution of power. I can understand the feelings of the 3 per cent of Islanders or thereabouts who think that they might have more power if they can place more votes. But we understand the numbers, do we not, those of us in the Assembly who have

listened and have looked at the numbers. We understand that that is not the case for everybody. There is a table on page 8 of amendment 2 that shows it quite clearly, that what we are being asked to do today is to place a greater amount of power in the hands of some Islanders, and where does that power come from? We cannot make more; it comes from other Islanders, and that is not what democratic legitimacy looks like. It is not right to take power from the hands of some and put it into the hands of others. To finish, I cannot vote for this. It would be against my principles and, quite simply, against basic democratic principles. I cannot take power away from some and give it to others, and for my own integrity I am going to be voting against this.

Deputy A.F. Curtis:

Sir, I would just like to give notice that I will be seeking to enact Standing Order 84.

The Bailiff:

You are giving half an hour's notice?

Deputy A.F. Curtis:

Yes, Sir.

The Bailiff:

Yes, very well.

2.2.20 Deputy P.M. Bailhache:

I was just looking at the manifesto of the Jersey Liberal Conservatives and there is a commitment in that manifesto to keep an open mind as to the reintroduction of the Island-wide vote. I would just like to say that the 2 Members of the party have kept an open mind. They have had a very interesting discussion or discussions about the issues and they have reached different conclusions. I do not think that is anything to be ashamed of. Indeed, I think the future of party politics would be much brighter and much more democratic if members of a political party were not, generally speaking, to respond to a 3-line whip, but were to vote in accordance with their conscience. That is what both Deputy Ferey and I are going to do. I want to say just one thing because this debate has gone on a very long time, and it follows up from what I think the youngest Member of the Assembly has said, who I believe has made some quite good speeches during the course of the last few days. I think I can probably claim to be the oldest Member of the Assembly, and I think one thing that we can all agree upon is that the vast majority of those who support the reintroduction of the Island-wide vote are over 50 and probably most of them are over 60 too. We are trying to make our electoral system simpler, clearer, and easier to understand; more accessible for the younger generation who are at the moment not terribly engaged in our electoral system. I think that those of us who are inclined to support the reintroduction of the Senatorial class ought to think very carefully about that. I think the reintroduction of Senators is not going to achieve the end of making our electoral system easier to understand for younger people. It is not going to have the slightest effect upon the number of people who come out to vote, and indeed I believe, if anything, it will probably act in the contrary sense of making the system less accessible and less easy to follow.

2.2.21 Deputy K.F. Morel:

I just stand to say I will be supporting the proposition, there is no question in my mind. I do feel that the loss of the Island-wide mandate has led to a situation where there is less cohesion within the Assembly. I think there is more parochialism within the Assembly as a result, and I do think we need to have some people whose constituency is the whole Island, who are not bound by parochial issues and who can seek to look above them. I think that is particularly important when it comes to deciding on the Chief Minister and the formation of the Council of Ministers. I am not of the view - as Deputy Moore's proposal was yesterday - that Senatorial seats should link directly to the Council of Ministers. I do remember the interim C.E.O. (chief executive officer) between Mr. Parker and Paul

Martin saying to me when the vote had taken place to remove the Senators, he said there would be, in his view, a democratic deficit when it comes to choosing the Chief Minister because nobody will really have a mandate for that. In a system without parties that lack of mandate becomes a big issue, and it does become a big issue. It is interesting, I have heard people talking about democracy in Jersey and we need to increase engagement. I completely agree on the increasing engagement, but I stood in a district where 47 per cent of my district's voters turned out. St. Helier Central, I think we are looking at something like 28 per cent of voters turned out. But that meant that Deputy Alves, who got the most votes in St. Helier Central, had 961 votes and less than 16 per cent of the vote. But, quite understandably, Deputy Alves could stand and become Chief Minister, but would have only 16 per cent of the vote in her district. That would be her mandate. That is a tiny mandate and a really difficult mandate to decide upon Chief Ministers in the future. Whereas an Island-wide mandate, when it comes to choosing a Chief Minister, at least gives our Assembly a sense of where the mandate is. I know that Deputy Moore, who won the mandate as Chief Minister at the beginning of this Assembly, had something like 2,700 votes cast. Three times as many people in this Island voted for Deputy Moore as voted for Deputy Alves. In the situation where we do not have that kind of Island-wide mandate it is natural then that you would start looking to the people who did get 2,700 over 900 votes as your Chief Minister, but that in itself means - given that we know that the elected representatives in St. Helier are not getting their electors to turn out en masse because, as I said, less than 30 per cent of St. Helier Central turned out to vote. Where that is happening it is likely that your Chief Ministers are always going to come from the rural Parishes because in the rural Parishes, where we manage to get nearly 50 per cent of our electorate to turn out to vote, at least you would be able to point to 2,700 votes, things like this, as opposed to 900 votes. So it will become really important I think over time that we do not have that Island-wide mandate. Every time we have elections and we return to this Assembly there will be nobody sitting in this Assembly who has a clear mandate to be the Chief Minister and to form the Government. I think that is going to be a massive problem and I think it means that it is going to be very, very difficult for any St. Helier Deputy to be Chief Minister. That goes particularly while we do not have a party system in the Island. That issue would be covered off with a party system, but without the party system, with a principally independently system of Members of the States, that is going to be a consistent problem. It does mean into the future constant votes of confidence because there will always be this lack of a mandate. It is for that reason more than any other reason that I am voting for Deputy Millar's proposition, because I can just see the system we have today causing a constant churn and effectively a constant level of disruption, if not chaos, in this Assembly going forward. I do not want that. I want some people to be elected and to be able to point to 15,000 votes, 12,000 votes, however many it may be, but it will be a significant proportion of the Island. Deputy Alves could stand as Senator, get 15,000 votes and she would be able to stand in this Assembly and say: "15,000 people have voted for me, I have a claim at least for you to think of me as being Chief Minister." But Deputy Alves cannot do that, in my opinion, with 900 votes. The only other way is the party system, but again I know that I stand in the district that wants Senators but does not want parties, and so I am really in that position where I think Senators is the way forward because if not we have to change our system to a party system. It is understandable that people who represent St. Helier, most of them being in Reform, would want a party system because it is unlikely ... sorry, I must say, I know that members of Reform Jersey campaign, they campaign incredibly vigorously, enthusiastically, energetically, and they do their best to turn people out for elections. But it is really hard in St. Helier and I understand that, so this is not a suggestion that they are not trying to get people to turn out, I know they are, but I think there will always be that problem. Why would you deny St. Helier having the potential for a Chief Minister just because you do not want that Island-wide mandate? I believe that without the Island-wide mandate, if we continue down the system we have it is less democratic and this Assembly is going to have problem after problem in choosing a Chief Minister for the future because there will be no one with that mandate.

Deputy M. Tadier:

Would the Deputy give way for a point of clarification?

The Bailiff:

Would you, Deputy?

Deputy K.F Morel:

Absolutely.

Deputy M. Tadier:

I do wait until the end on purpose so as not to ... does the Deputy accept that when pointing out how a candidate did in terms of percentage of the vote, so he said Deputy Alves got 16 per cent of the vote, does he accept that it is not the overall vote that you need to count, it is how many voters there are because every voter can only vote for Deputy Alves once, not 5 times, and they have 5 votes.

Deputy K.F. Morel:

The Deputy is absolutely correct; that is why I pointed to 900 votes as the actual number of votes.

The Connétable of St. John:

A point of clarification, if I may?

The Bailiff:

Yes, do you give way for a further point of clarification, Deputy?

Deputy K.F. Morel:

Absolutely.

The Connétable of St. John:

The Deputy spoke about a St. Helier Deputy not having sufficient votes to be Chief Minister. Will he acknowledge that 3 independent Deputies from St. Helier have more than the current Chief Minister?

Deputy K.F. Morel:

I acknowledge only from the perspective of I assume that the Connétable has checked that. I have not checked that so I cannot verify it, but I assume.

2.2.22 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

I have been resisting the urge to stand up and speak in this debate. I think firstly Deputy Mézec spoke extremely eloquently at the outset and covered almost every single point that I would want to make in a most eloquent fashion. However, try as I might, I do feel prompted to speak, having heard Deputy Morel. I have the greatest amount of time and respect for the Deputy, and he did come second, if we are going to look at the votes polled by each Member of the Assembly in the election. He, I believe, was the second highest poll. But what matters is the action that we deliver when we are elected, and that is what really makes a difference to people's lives. We can talk as much as we want about changing a system and pleasing the traditionalists in our own constituencies, but what we need to do is deliver what Islanders want to see. They want to see us come up with solutions to the cost of living, they want to see us tackle building and delivering homes that families can see themselves bringing up their children in.

[16:45]

They want us to bring forward policies that encourage businesses to assist young parents in finding childcare. They would quite like to see the Government itself, as the largest employer, deliver childcare to support its own employees, particularly those working shifts in our health service and

those probably in our education service as well, because those are the key things a Government delivers. At the end of the day most people in our Island have many more votes than people in most other voting democratic nations of the world. In most places a person has one vote. They go to the poll and they go with the understanding that they elect one person who goes to a Parliament, takes part in that democratic role, and works together with people in a collaborative way, whether they are in a party or an independent or however their system may function. But it is that Parliament that delivers action and people accept the responsibility that their one vote contributes to the whole. In our current system, which I do believe is working quite well, people have either 4 or 5 votes. They vote for their Constable and they vote for either 3, 4 or 5 Deputies, actually some have 6. I believe at the last election we saw an improved level of debate in the constituencies at the parochial level among the Deputies because, yes, as many have said today, and I apologise for going back and reconfirming this point, of course, our work covers the whole Island. We all have to take into account the needs and the desires of our constituency but also the whole Island. That should be what motivates each and every single one of us, and I am sure that it does. I believe that. A point that I do not believe has been made so far in this debate is the current system is amplifying the role of the Constable because the Constable sits proudly now at the head of their Parish and they have a very, very clear role in that parochial duty, a role that is now very different to that of a Deputy, because I have to say, having served as a Parish Deputy, it was a most confused place. As a non-member of the municipality, one struggles a bit to find that role of a Deputy and to make it valuable and valued by their constituency members or their parishioners. I think on balance that given there is no difference between being a Senator or a Deputy once the election is over, it is simply nothing but a vanity project. Without a specific role for a Senator, I do believe that our Islanders are well-represented by us here. We are perfectly capable to make decisions on an Island-wide basis and they are very tired of us talking about these issues and they would simply like us to get on and move forward and not delay and deliver on what really makes a difference to everyday life.

2.2.23 Deputy L.J. Farnham:

I am nearly at the end, I am pleased to say, of what I have got to say on this. I have been campaigning for probably 14 years now since the very start and I do firmly believe that it was certainly clear in the last elections in my district the views of the electorate, the reaction during and post the last election on this. We might be only talking about the demographic that the Constable of St. John raised but they are the demographic who are the most engaged in our democratic process. We hope to encourage more young people. I know a lot of young people; I used to be one once. I have always been in support of the Island-wide mandate even when I was young, even when I was standing with Deputy Ozouf and others back in the days of 1999 and I think many young people I speak to. We must not patronise the electorate by saying: "It is going to be too difficult for you to choose a Constable and 3 or 4 Deputies and 9 Senators. That is going to be too difficult for you so we cannot do it." I find that a little bit patronising. The office of Senator was the most democratic of all the elected officers in Jersey and offered the greatest level of voter equity and accountability in that Senators are elected by and answerable to every voter and indeed every individual on the Island. The Senatorial election provided Islanders with an opportunity to collectively discuss and consider key issues of interest to every person in Jersey, not just matters relating to their Parish or their district. That is what I have found by speaking to many people now. They miss being able to collectively discuss who they are going to vote for to represent them in the Island-wide mandate. Of course, Deputy Kovacs and others talked about the difference in roles. I have been privileged to be both a Deputy in a Parish district in the new constituency and a Senator, and the roles are different. Importantly, the holders of the Senatorial office were, therefore, well placed to take unprejudiced and impartial views on issues affecting the whole Island without being conflicted by Parish or constituency pressures, providing, I think, the essential balance to the Assembly. Let us be clear, let us be honest about it, the only way we are going to achieve absolute voter equality in this Assembly is by having more Deputies, and that is a position that the Reform Jersey party have always been in

favour of, but that is the direction. We cannot hover in this position. This is a halfway house and so we have an option. We hover here. I enjoy working in this Assembly. I think we have got a really good group of representatives. I am honoured and privileged to lead the Government. We have a productive Government and I hope we are going to come to the end of this term having achieved quite a lot of important issues and hopefully we can start to rebuild public confidence, but it cannot stay and it will not stay there. There will be the constant pressure and debate for that total voter equality or we can stay with a system that is right for our Island, I believe, which has the balance of 3 types of States Member, which has served well and delivered prosperity to this Island for many decades. Deputy Gardiner raised some valid points. I do not think the diversity, the welcome improvement in diversity - and we have seen that improving gradually over the years - is down to the voting system. It is down, I believe, to the greater diversity in our community with a broader cultural range, more women in office, more women in senior roles. We are working closely to make progress with gender take-up and things like that. Our community is changing and, as a result, this Assembly is becoming more reflective of that community. I welcome that and long may it continue but I do not see how electing 9 ... giving every Islander the opportunity to elect 9 Members will impact upon that. I very much hope and I think and I believe we will continue to see improved diversity in this Assembly. I am pleased this debate is coming to an end. It has been fairly divisive but we all hold our beliefs for the right reason. I believe we are all here to make things better for Islanders but I would just finish by reiterating that the Island-wide mandate was and would be again the most democratic of all elected offices in Jersey. It offers the greatest level of voter equity and accountability, the greatest level of democracy and the Senators are elected by and answerable to all the people of Jersey. I am pleased to support the proposition.

The Bailiff:

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

2.2.24 Deputy M.E. Millar:

After what feels like a very long debate, I am not going to try to address everybody's points. I think we have all heard what everybody has had to say. I will discuss some of the threads that have come up over the course of the entire debate over the last few days because I suspect that there are very few people in this Assembly or online who have not already made their minds up. I do have to say, however, I have been really quite disappointed by some of the tone and content of the debate today. I was surprised. I have had a huge volume of correspondence about this. All of those who have been supportive have written in very courteous terms and the one or 2 who have objected have been very angry. Those online who have responded have been very angry and I have seen that anger today. I am slightly surprised that this proposition should generate so much dismay and some language we have had today and I am not going to repeat ... but anyway, I am just surprised by that. It is a proposition like any other. During the assisted dying debate I had a bit of a wobble. In the run-up to it I had thought I will support assisted dying and in the run-up to that debate I spoke to a number of people and a few people really made me consider where I was on it. During the debate I really was having a wobble as to whether I was going to support it or not, but then I remembered that at least during the election in hustings we had been asked where we stood and I had told people that I was in principle in favour of assisted dying. So I voted in favour of assisted dying because that was what I told people because I reflected that people would have voted for me, possibly, or not voted for me because of what I said at the hustings. I had the actual privilege, because it was a good cause, to be at a C.P.A. course last week and in one of the sessions we talked about how to be an effective parliamentarian and one of the things that we talked about was authenticity and being true to your manifesto. That is why I am doing this. That is why I have brought this. People have criticised. People who are not here have criticised that this has come back again. This is different from the previous propositions that have come forward in this term and the reason we have spent so much

time on it because we have had 5 amendments, 3 of which have come from members of Reform who have been critical about the amount of time we are wasting. That is why we are wasting time, because we have had amendments. We could all just have voted on the proposition as it stood but we have all chosen to have amendments and to have to debate all those amendments. Party politics is still clearly in its infancy. There were 4 parties. Someone said there were 3 parties stood last time; there were 4. One was resoundingly defeated, one did quite well, one did fairly well and the other 2, I think, returned 3 Members. I would suggest that we actually have 27 parties in this Assembly. We have Reform. We have Jersey Liberal Conservatives. I exclude the Constables, for which I apologise if you are offended. We have all the independent Members. We effectively stand on our own manifesto and we are all entitled to promote our own manifesto. Deputy Mézec has been one of the critics. He has twice brought the same proposition this term. Deputy Tadier brought a proposition in December, which I believe he has brought in a previous sitting. Deputy Alves has lodged a proposition last week, which seems to be very similar to the one that was defeated in December. We will no doubt discuss that again, but we are entitled, and I would say obliged, to continue to promote the issues that our constituents tell us are of importance to them. Everybody's manifesto is valid and we are all entitled and obliged to observe our manifestos. Just a few of the comments that have come up. Deputy Ozouf criticised the Senatorial mandate earlier in the week because people do not use all their votes. No, nor are they obliged to use all their votes. That is the point of free elections. People can vote for whoever they want and if they look at a sheet of 9 candidates - say they can vote for 4 people and they have 9 candidates - they are not obliged to vote for people that either they do not know or they do not think they trust or with whom they are not particularly aligned. You are not required to vote for people except for the people you want to represent you. That is a key point about human rights and voting: you can do what you want. There are stories of candidates in fact suggesting to voters that they do not cast all their votes, that they vote perhaps for a couple of people and not for anybody else because that will give those 2 people the greatest chance of success.

[17:00]

I would suggest you could consider that to be quite undemocratic. Others would call it tactical voting. That is the nature of democracy, whatever you think about it. I would not tell people not to cast all their votes. If you have 4 votes, you should use your 4 votes as long as you have somebody that you think you could vote for, that you respect and you trust. Deputy Ferey I think was unfairly targeted today or criticised when he was talking about fairness. I believe he was talking fairness in the eyes of the electorate and how we do have large numbers of people who previously were using 10 or 11 or possibly 12 votes who now have 3 or 5. Voter weighting, people just do not understand the theories of how many votes and what the electorate is. This proposal will give everybody 8 additional votes. People can choose from a wider pool. Some people have commented that they have felt unable to vote from the small selection in their district or from the political ideology of those standing. Now, that is a failure of our system. If we cannot field candidates that are politically diverse, that is a failure of the system but the Senatorial mandate will give people more choice. Deputy Moore just mentioned that in many jurisdictions people only have one vote, and that is true. They have one vote for the national assembly but they may vote for national councils, parish councils, any number of bodies within their countries. But as a constituent pointed out to me last night, what we have to remember is that in many places when you cast your one vote it almost does not matter who you vote for. You may not even like the candidate but if that person is the Labour or the Conservative or the Green or the Liberal candidate or whatever party they stand for, you can be sure, or you can be fairly sure - never say never - that you know what you are getting and you know how that person would vote. In a system like ours, where it is entirely dependent on individuals and what they stand for and what they tell you they stand for, one vote is simply not enough. As much as people would like to wish it into existence, we do not have that system yet and we have to bear that in mind. Deputy Morel has talked about the numbers. Numbers can be cut any which way. You can look at numbers in all kinds of ways but, yes, I do agree with him, it is difficult to say how can it be truly satisfactory

when we have Members going in with almost 3,000 votes and Members going in with 600. That is not right but that is a feature of our system. That is a feature of our system and it is a feature of how many people come out to vote. While we are all very concerned about St. Helier and the under-representation of St. Helier ... I cannot remember the number of the population of St. Helier, whether it is 30,000, 36,000. If most of them do not come out to vote, that again is a problem for us as politicians and listing reasons why people vote is not something that should make us not return the Island-wide mandate. It should make us deeply concerned that people do not trust us or like us or think we all do a good job, and we have to change that. We have to get people out voting. I do not believe that returning to an Island-wide mandate will stop people voting. Diversity in this Assembly, yes, we do have the most diverse Assembly that we have ever had. Perhaps that could be because we also have a very diverse community. The community looks different. When I walk around Jersey I see a very different view than I saw almost 30 years ago when I arrived. We have a diverse Assembly because we have a diverse population and that helps. If I could just make a couple of points of clarification. When I offered to the Chair of P.P.C. to help this morning, I was not offering to help the law draftsmen with their drafting. I would not have the temerity to do so, even though I think I could dabble, but I would not dare threaten to have a stand on her patch. I repeat my offer to assist P.P.C. with anything I can do with the workload if this proposition is successful. Further, I was not promoting the idea of a citizenship test. I was simply making the point that if we are going to look to the Commonwealth, there are Commonwealth models that are different and which offer different rules and regulations and that we could look to other models. I also mentioned compulsory voting. Those were just bringing out what other jurisdictions do. I am not suggesting we follow them. Equally, I did not suggest that we have to follow everybody else, simply there is a huge range of electoral practices across the Commonwealth. Several people, including Deputy Ahier, took some delight, it felt, in criticising, as I predicted they would, the public meetings but I confronted the issues with those meetings at the very start of my speech. I did not say biased people turned out. I was very clear that there was a vast difference of opinion, that people did have all sorts of ideas about what they wanted, but what was clear there were, I calculate because I went to all of them, over 150 people attended. Another 30 or 40 have written to me. I know that is not by any way statistically significant but nor do I think it is appropriate to keep referring to a referendum that happened in 2013 which had a 26 per cent turnout. I applaud Deputy Mézec's seemingly encyclopaedic knowledge of it. I was not that interested in politics at the time, although I believe I did participate in that referendum, but we cannot hang a hat on something that happened in 2013. Everything has changed since then. Huge parts of our population have changed. Our population has gone down, I believe. No, they did not include young people. I was clear about that. Any Member here could have gone and consulted with young people should they wish to do so. Evidence, it is sporadic, as I said. We do not have evidence of all sorts of things. We do not have evidence of whether people want the Bailiff to remain the Speaker, whether they want people who are not citizens to stand for election. That does not stop us bringing forward propositions. Deputy Alves talked about a report that was published in June 2023. I have not read it but as it was published in June 2023, I am not quite clear what the period of the research was because if our system had already changed in 2021, which I think was some 18 months before the election, then I am slightly confused as to what people were responding to. Anyway, we do not. We know that there are some strong views on this and I feel it is difficult not to recognise those views. Deputy Renouf, I will just say, when I brought the proposition I had absolutely no intention of trying to diminish Reform in any way. I have more respect for their abilities than that and I have more confidence in everybody's ability to stand against Reform so, no, Reform are not anywhere near my thinking in bringing this proposition. They are well capable of looking after themselves. To conclude, as I said at a meeting relatively recently, when I stood for election I did not have a particular axe to grind. When I made the decision to stand for election I did not have a particular pet project or hobbyhorse or objective that I wanted to achieve. I had concerns about the way long-term care was communicated and I have been able to do something about that and I am proud of that, but my manifesto focused on 3 broad areas: that when I went out knocking on doors -

and I have to say to Deputy Ward we all knocked on doors, we all worked hard; you cannot get elected without putting in the legwork - I came from a standing start where I knew virtually nobody in St. Lawrence or St. John or even Trinity, where I live, because I have lived a quiet life and I have been too busy working at my very demanding jobs to go out and engage in Parish events, for which I apologise, but I worked very hard. I am not Trinity royalty or St. John royalty or St. Lawrence royalty. I do not have those centuries-old Jersey connections. I worked hard and I knocked on lots of doors and very many of the people who spoke to me told me they were concerned about removing Senators. As I said, it was not the only point. It was not the only point. Nobody is pretending it is the only point and this is not distracting anybody from the work of the day. If anybody is saying they have not done anything for the last week because they have been preparing for this debate, then there is something very far wrong. I know who voted for me and I am very confident that a vast number of them want the Island-wide mandate back. I put that in my manifesto and I am going to stand good to my manifesto. I am sure other people have commented on it in hustings and it is up to them. Everybody has to make their own decision but I will be true to the people who I believe voted for me, who I believe wanted this, and it has got nothing to do with St. Helier or the country Parishes. It is about the people who voted for me want the Island-wide mandate back. If we do not support it, and you have probably already made your own decision, we will have a large, significant section of our population who will continue to be distrustful, disengaged and feel disenfranchised, so I ask Members to support this proposition. **[Approbation]**

The Bailiff:

Do you call for the appel?

Deputy M.E. Millar:

Call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the main proposition. If Members have had the opportunity of returning to their seats, then I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The proposition has been adopted by the required majority.

Pour: 25		Contre: 20		Abstained: 1
Connétable of St. Helier		Connétable of St. John		Connétable of St. Martin
Connétable of St. Lawrence		Deputy G.P. Southern		
Connétable of St. Brelade		Deputy M. Tadier		
Connétable of Trinity		Deputy L.M.C. Doublet		
Connétable of St. Peter		Deputy S.M. Ahier		
Connétable of St. Clement		Deputy R.J. Ward		
Connétable of St. Ouen		Deputy C.S. Alves		
Connétable of St. Mary		Deputy K.L. Moore		
Connétable of St. Saviour		Deputy S.Y. Mézec		
Deputy C.F. Labey		Deputy P.F.C. Ozouf		
Deputy S.G. Luce		Deputy Sir P.M. Bailhache		
Deputy K.F. Morel		Deputy T.A. Coles		
Deputy M.R. Le Hegarat		Deputy B.B. de S.V.M. Porée		
Deputy I. Gardiner		Deputy D.J. Warr		
Deputy I.J. Gorst		Deputy J. Renouf		
Deputy L.J. Farnham		Deputy C.D. Curtis		
Deputy H.M. Miles		Deputy L.V. Feltham		

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

Deputy R.J. Ward:

Sir, can I confirm that nobody voted after the vote closed online?

The Bailiff:

I am sorry, Deputy. I gave it an enormous amount of time. The Greffier indicated that everyone had had the opportunity of casting their vote.

Deputy R.J. Ward:

Yes, Sir, I agree, but there is a vote that comes after the vote closed that was notified online that is voting pour and on such a close vote I think we need to be very accurate on this vote.

The Bailiff:

Deputy, I am informed there was one vote cast after it was closed in the chat. It was a vote pour but it was not counted in the total of 25.

[17:15]

The Deputy Bailiff:

The next item is the Draft Shipping (Jersey) Amendment Law.

Deputy M.E. Millar:

Sir, may I propose the adjournment. I think this is probably going to be take longer than 15 minutes and we could start again tomorrow.

The Deputy Bailiff:

I was just getting going. [Laughter]

Deputy M.E. Millar:

Sorry, Sir.

The Deputy Bailiff:

The adjournment has been proposed. Is that seconded? [Seconded]

Deputy P.F.C. Ozouf:

Sir, may I kindly ask if the Chair of P.P.C. has given consideration whether or not ... because Friday is normally a day in which we get on with work. Would she consider asking the movers of the proposition if they could move it to the next sitting, kindly? I am just asking.

The Connétable of St. Martin:

Friday is always a day that we know that have to attend the States in a States week, so I think we have to carry on.

The Deputy Bailiff:

Are Members content to adjourn now? [**Aside**] The appel has been asked for. To adjourn is pour and to continue is contre. I ask the Greffier to open the voting. If all Members have had the chance of casting their votes, I ask the Greffier to close the voting. The proposal to adjourn has been adopted.

POUR: 28		CONTRE: 16		ABSTAIN: 1
Connétable of St. Helier		Connétable of St. Brelade		Deputy R.J. Ward
Connétable of St. Lawrence		Connétable of St. Martin		
Connétable of Trinity		Connétable of St. Mary		
Connétable of St. Peter		Deputy C.F. Labey		
Connétable of St. John		Deputy M. Tadier		
Connétable of St. Clement		Deputy L.M.C. Doublet		
Connétable of St. Ouen		Deputy M.R. Le Hegarat		
Connétable of St. Saviour		Deputy K.L. Moore		
Deputy G.P. Southern		Deputy S.Y. Mézec		
Deputy S.G. Luce		Deputy P.F.C. Ozouf		
Deputy K.F. Morel		Deputy Sir P.M. Bailhache		
Deputy S.M. Ahier		Deputy B.B. de S.V.M. Porée		
Deputy C.S. Alves		Deputy D.J. Warr		
Deputy I. Gardiner		Deputy H.M. Miles		
Deputy I.J. Gorst		Deputy A.F. Curtis		
Deputy L.J. Farnham		Deputy K.M. Wilson		
Deputy T.A. Coles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy M.B. Andrews				

Therefore, the Assembly is adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:16]