

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 1st DECEMBER 2020

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[9:30]

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

PUBLIC BUSINESS

The Bailiff:

We now move to Public Business. I would remind Members that we will adhere to the time limits for speeches, which the Assembly approved on 7th October. After consultation there will still be a bell but the bell will be rung to signal when time is up and the Member still speaking may finish his or her sentence but not then continue the speech.

1. Reduction of lodging period

Before we start Public Business there are a number of items which a decision needs to be made about whether or not to reduce the lodging period. The first item has been lodged by the Minister for Economic Development, Tourism, Sport and Culture and it is the Channel Island Lottery: Allocation of 2019 Proceeds, P.141. Minister, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow the matter to be debated today? Senator Farnham? We move on to the next item in respect of which the Assembly needs to consider. It is also from the Minister for Economic Development, Tourism, Sport and Culture and it is the Jersey Heritage Trust: Amendments to Constitution, P.142; presumably Senator Farnham you are not. No. The final item was lodged by Deputy Doublet. It is the Safe Singing during COVID-19, P.159. Deputy do you wish to make the proposition that the lodging period be reduced to allow the matter to be debated at this sitting?

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

Yes, please, Sir, I do. Just very briefly, the proposition relates mainly to COVID restrictions placed on singing in schools. As we all know, the science is moving very quickly and guidelines being reviewed every day, and things have moved on significantly in the U.K. (United Kingdom) where singing is now allowed in schools, in line with the science that shows there is little to no risk with singing as compared to speech at the same volume, which Members of course can see in my proposition. But in terms of the reduced lodging period, if this is left with the normal lodging it will not be debated until the week of 15th December, which is the week that schools break up for Christmas. As the majority of the singing curriculum activities do take place at this time of year, now that they can be safely done in schools, I would ask that Members grant the request to consider this, this week. Incidentally, it is highly likely that I may be withdrawing the proposition because I have had some very productive talks with the Minister and medical officers. This may be a moot point either way but I do ask that Members grant my request for reduced lodging please.

The Bailiff:

Is that proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak, if a link could be placed ... if Members could indicate a desire to speak as promptly as they can.

1.1.1 Deputy M. Tadier of St. Brelade:

Sorry, sometimes a delay was not intentional. I am just not sure the case has been made here for delaying. I am not sure where the public interest lies. I know that generally we will allow shorter lodging periods, sometimes very short lodging periods that are critical to public health but I cannot see that this is that urgent. It risks sending out the wrong message. This might have been an appropriate proposition a month ago or 6 weeks ago when the figures were not so high but we have just had Ministers on the radio yesterday, we have had a big campaign asking people to be careful, not to go to work, and now we are debating whether or not children should be singing at school. I do not think that is a good use of our time, to be honest. I am not against singing by any means but

I think there is a risk that schools may not even be staying open the full length before Christmas. We have had the Minister for Health and Social Services telling us to prepare for a quieter, different Christmas and I frankly do not think that the public interest lies in reducing this lodging period, and I have not heard it be made either. So I am not voting for this.

1.1.2 Deputy S.M. Wickenden of St. Helier:

I think I am going to go on the same lines as Deputy Tadier here. I do not think there is a public interest test that has been passed to reduce a lodging period for what would, in the schools, be a matter of days before it is all broken up. I agree with Deputy Tadier, if this could have been brought earlier. But again, it goes with medical advice. The medical advice, and we have had plenty of questions within the Assembly, has always been along the lines that singing is not something that should be or could be supported by Health. To bring a proposition to say I disagree with the Health and although there have been conversations there is absolutely no reason to reduce a lodging period all of a sudden to rush this in when the schools will be breaking up over the Christmas and New Year period. I am afraid I cannot support a reduced lodging period because I do not think the case has been made and I do not think that it is a level of urgency to do that.

1.1.3 Deputy R.J. Renouf of St. Ouen:

Deputy Doublet referenced discussions that have taken place with me and officers and I can confirm that S.T.A.C. (Scientific and Technical Advisory Cell) yesterday looked at the guidance around singing and we are able to make amendments to guidance, particularly to allow some singing activities in early years and primary schools.

[9:45]

That will be reflected in guidance. Therefore I would have no objection to this matter being taken because I believe, in the light of what has been agreed, that the Deputy would be in a position to withdraw her proposition or it will be agreed. I just thought I would wish to update Members on that fact.

The Bailiff:

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

1.1.4 Deputy L.M.C. Doublet:

I have to say I am very disappointed in the stance that the former Assistant Minister with responsibility for culture is taking on this. I do wonder whether the first 2 Deputies that spoke have read the proposition where I do clearly set out that singing is safe. I would not be asking for anything that is unsafe, and the science has indeed moved on. I thank the Minister for Health and Social Services for affirming that. I am fairly confident that I will be withdrawing this proposition but, in fact, all this would enable me to do would be to explain the rationale briefly with an opening speech at this sitting so that Members can be clear on what has been agreed between myself and the Minister for Health and Social Services because I think it is important that Members have that detail. If the lodging period is not reduced I will not be able to do that at this sitting, so Members will not have that detail and the public will not have that detail either. I ask Members to support the reduced lodging period please.

The Bailiff:

Point of order, Deputy Tadier.

Deputy M. Tadier:

I need to take direction from the Chair. Is it really in order for a Member to ask to reduce a lodging period so he or she can make a proposition but then withdraw it? It seems an incredible ... I am not sure; what is the opinion of the Chair?

The Bailiff:

Deputy, it is not really a point of order. The answer is that Deputy Doublet is entitled to ask Members to take the matter early. She has indicated to Members what is likely to happen if Members agree, but she cannot say for certain, and Standing Orders permit a debate to a proposer to make a speech and then not proceed with the matter. It only cannot be withdrawn by them once the debate is opened without the leave of the Assembly. The answer is there is nothing in what is proposed, whether it is desirable or not is a different question, but Members will decide that with their vote but there is nothing contrary to Standing Orders in it. I ask the Greffier to put a link in the chat. It is there. I open the voting. I ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted: 34 votes *pour*, 9 votes *contre*.

POUR: 34		CONTRE: 9		ABSTAIN: 0
Senator L.J. Farnham		Senator S.Y. Mézec		
Senator T.A. Vallois		Connétable of St. Saviour		
Senator K.L. Moore		Deputy J.A. Martin (H)		
Senator S.W. Pallett		Deputy M. Tadier (B)		
Connétable of St. Helier		Deputy J.M. Maçon (S)		
Connétable of St. Clement		Deputy S.M. Wickenden (H)		
Connétable of St. Brelade		Deputy J.H. Young (B)		
Connétable of Grouville		Deputy L.B.E. Ash (C)		
Connétable of St. John		Deputy S.M. Ahier (H)		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Accordingly the matter will be dealt with during the course of this sitting.

Senator L.J. Farnham:

May I just apologise? I had a bit of a tech issue and I missed the call from you to ask for P.142 to be debated.

The Bailiff:

Also P.141, Senator. Did you want to ask on both of those, P.141 being the Channel Island Lottery: Allocation of Proceeds?

Senator L.J. Farnham:

Yes, Sir.

The Bailiff:

We will start with P.141 in that case. I understand you had a technical difficulty and we have not stopped dealing with these issues. The first item then lodged by the Minister for Economic Development, Tourism, Sport and Culture, Channel Island Lottery: Allocation of 2019 Proceeds, P.141. Do you wish to make the proposition that it is taken at this sitting?

1.2 Senator L.J. Farnham:

Yes, I do please. This is to tie up, as promised previously, to ask the States to make a decision on how we allocate lottery profits moving forward. It would be helpful to agree this before the end of the year so that the new distributing bodies can get on with their new role as soon as possible in the new year. Primarily, I believe the lodging period would expire tomorrow so we are only short by one day, so I ask that Members allow this proposition to be debated at this sitting.

The Bailiff:

Is that proposition seconded? [**Seconded**] Does any Member wish to speak? If no Member wishes to speak I close the debate and ask the Greffier to put a link in the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes and I close the voting. The proposition is adopted: 41 votes *pour*, no votes *contre*, no abstention.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				

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

Do you wish to make the same application, Minister, with regard to P.142, Jersey Heritage Trust: Amendments to Constitution?

1.3 Senator L.J. Farnham:

Yes, I do please. This is to allow a change to the constitution of the Jersey Heritage Trust, which will enable them to become a registered charity and accrue the benefits of such a move. We are asking to debate it at this sitting again so they can make a clean start with the new constitution from the beginning of 2021. Under normal circumstances, the time limit for the lodging period is due to expire tomorrow, so again we are only short by one day. I would ask for Members' indulgence again, similar to the last proposition.

The Bailiff:

Is that proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? If no Member wishes to speak then I close the debate and ask the Greffier to put a link in the voting link.

Senator S.C. Ferguson:

I am sorry, Sir, I could not find my button.

The Bailiff:

I am sorry, Senator, I have closed the debate. Not finding your button I am afraid is not a justification for opening the debate again. I ask the Greffier to put a vote in the link. I open the voting in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition is adopted: 40 votes *pour*, one vote *contre*, no abstentions.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				

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

Deputy R.J. Ward of St. Helier:

I did not get to vote on that for some reason but it would have been *pour*. I do not know if it can be recorded. I do not think it makes a difference to the vote.

The Bailiff:

We only have, I think, 41 votes recorded, which is very close to what we have been recording in terms of voting up to now.

2. Draft Customs and Excise (Export Declarations and Export Controls) (Jersey) Regulations 202- (P.134/2020)

The Bailiff:

The first item of Public Business therefore is the Draft Customs and Excise (Export Declarations and Export Controls) (Jersey) Regulations, P.134, lodged by the Minister for Home Affairs. The main respondent in the debate is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Customs and Excise (Export Declarations and Export Controls) (Jersey) Regulations 202-. The States make these regulations under Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014.

2.1 Connétable L. Norman of St. Clement (The Minister for Home Affairs):

The amendments I am proposing today, if adopted, will ensure Jersey export controls operate effectively post-Brexit. There is a full report attached to the regulations. I will not repeat them but, in essence, the amendments will create a new requirement for exporters to make export declarations for standard goods from 1st January next year, if exporting goods to countries outside of our new customs union, which is with the United Kingdom, Guernsey and the Isle of Man. Members will realise that previously no export declarations for standard goods were required from exporters as Jersey was part of the U.K. E.U. (European Union) customs territory, which permitted the free movement of goods. Secondly, I propose to reinsert the powers that previously existed in the customs law enabling the Minister for Home Affairs to control the export of certain goods, specified in an order, and provide enforcement powers for the agent of the *impôt* or an officer of the agent of the *impôt*. I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? No Member wishes to speak on the principles then I close the debate and ask the Greffier to place a vote in the chat for that purpose. The link is there, I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The principles have been adopted: 42 votes *pour*, no votes *contre*, no abstentions.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Ward, does your panel wish to call this in?

Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, Sir, thank you.

The Bailiff:

How do you wish to propose the regulations in Second Reading, Minister?

2.2 The Connétable of St. Clement:

I would like to propose the regulations *en bloc*. I have nothing to add to the comments I have already made.

The Bailiff:

Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second regarding? No Member wishes to speak in Second Reading then I close the debate and ask the Greffier to place a voting link. I open the voting and ask Members to cast their votes in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The regulations have been adopted in Second regarding: 41 votes *pour*, no votes *contre*, no abstentions.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				

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

Do you propose them in Third Reading, Minister?

2.3 The Connétable of St. Clement:

Yes, please. Could I say to anybody who might be watching this that, particularly my mother, I am sitting in the Chamber and the background is one I have not been able to remove yet from my live feed. I propose the regulations in Third Reading.

The Bailiff:

Are the regulations seconded in Third Reading? [**Seconded**] Does any Member wish to speak on the regulations in Third Reading? No Member wishes to speak then I close the debate and I ask the Greffier to place a voting link.

[10:00]

I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 41 votes *pour*, no votes *contre*, no abstention.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				

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

3. Draft E.U. Legislation (Welfare of Animals During Transport and Pet Travel) (Amendment) (Jersey) Regulations 202- (P.135/2020)

The Bailiff:

The next item is the Draft E.U. Legislation (Welfare of Animals During Transport and Pet Travel) (Amendment) (Jersey) Regulations, P.135, lodged by the Minister for the Environment. For the purpose of this debate, the main respondent will be the chair of the Brexit Review Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft E.U. Legislation (Welfare of Animals During Transport and Pet Travel) (Amendment) (Jersey) Regulations 202-. The States make these regulations under Article 5A of the European Union Legislation (Implementation) (Jersey) Law 2014.

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

Could I ask that Deputy Guida be the *rappporteur*, please, my Assistant Minister for this item?

The Bailiff:

Indeed. Deputy Guida, you are acting as *rappporteur*, I think.

3.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - *rappporteur*):

I am, Sir. As we reach the end of the Brexit transition period, any following laws that are subordinate to E.U. legislation will cease to be effective. We have been working hard in the last 2 years to replace

all those references, which are local ones, in order for our regulations to remain functional and aligned to the U.K. and the E.U. when necessary. This proposition brings 2 such amendments; the first one allows animal transports to be authorised and satisfied by the competent authorities in the British Islands, rather than the E.U. It is also to operate under several certificates, for example, both an English and a European one. The second amendment amends a reference to it to the animals concerned by the Pet Travel Scheme (Jersey) Regulations 2011, so that the United Kingdom and Jersey continue to be part of the annex list of states complying with the preventative measures for the control of *Echinococcus multilocularis*, a parasite that can spread to humans. These amendments are not bringing anything new to our laws, just maintaining existing regulations. I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, then I close the debate and ask the Greffier to post a link in the chat in the normal way. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 43 votes *pour*, no votes *contre* and no abstentions.

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		

Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Morel, do your Brexit Review Panel wish to call this matter in?

Deputy K.F. Morel of St. Lawrence (Chair, Brexit Review Panel):

No, thank you, Sir.

The Bailiff:

Then how do you wish to deal with the matter in Second Reading, Deputy Guida?

3.2 Deputy G.C. Guida:

I would like the regulations *en bloc*, please.

The Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, then I close the debate and ask the Greffier to place a voting link. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Second Reading: 44 votes *pour*, no votes *contre* and no abstention.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

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

Do you move the matter in Third Reading, Deputy Guida?

Deputy G.C. Guida:

Yes, please, Sir.

The Bailiff:

Is it seconded for Third Reading? [**Seconded**] Does any Member wish to speak on the regulations as adopted in Third Reading? If no Member wishes to speak, then I close the debate and ask the Greffier to place a vote in the link in the usual way. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 42 votes *pour*, no votes *contre*, no abstentions in the link, with a further vote registered *pour* in the chat.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

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

4. Draft Income Support (Amendment No. 20) (Jersey) Regulations 202- (P.136/2020)

The Bailiff:

Next is the Draft Income Support (Amendment No. 20) Regulations P.136, lodged by the Minister for Social Security. The main respondent, for the purposes of this debate, will be the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Income Support (Amendment No. 20) (Jersey) Regulations 202-. The States make these regulations under Article 18 of the Income Support (Jersey) Law 2007.

4.1 Deputy J.A. Martin of St. Helier (The Minister for Social Security):

I hope this will not be too controversial, it is about a small housing trust called Clos de Paradis. They have 54 houses and 28 flats and I am very pleased to say they have decided they would like to become a social housing provider but for the Income Support Law I have to bring this to the Assembly. Basically I think that is all I need to say. Tenants who are already in these houses are absolutely fine and they have quite a low turnover of tenants. Really that is all I have to say but I will answer any questions and I make the proposition.

The Bailiff:

Thank you very much, Minister. Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

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

It is just very briefly to say that this particular estate is within St. Helier 3 and all the homes have recently been refurbished to a very high standard and the estate looks very, very good. I welcome it into the social housing field.

4.1.2 Deputy S.J. Pinel of St. Clement:

I fully support the proposal by the Minister for Social Security to amend the Income Support Regulations to include Clos de Paradis Housing Trust as a social housing provider. Members will be

aware that I have included a proposal within this year's Finance Law to give Clos de Paradis Housing Trust the same exemption from income tax that applies to the other social housing providers, should this amendment be approved.

The Bailiff:

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

4.1.3 Deputy J.A. Martin:

I agree with Deputy Higgins; social housing, Andium and many other trusts are doing a fantastic job and this estate does look really good and has been refurbished brilliantly. Tenants have been informed and, as I say, I really want to assure tenants this will make no difference to them at all. To Deputy Pinel, thank you, yes, I did forget to mention that there is something to do with income tax but that will be exactly the same as other providers. Yes, I maintain the proposition and ask for the *appel*.

The Bailiff:

I ask the Greffier to put a link in the chat and I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 44 votes *pour*, no votes *contre*, no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Le Hegarat, does your panel wish to call this in?

Deputy M.R. Hegarat of St. Helier (Chair, Health and Social Security Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Minister, how do you wish to deal with the matter in Second Reading?

4.2 Deputy J.A. Martin:

Just take the regulations *en bloc* and if anyone has any questions I will try to answer them.

The Bailiff:

Are the regulations seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the regulations or any of them in Second Reading? If no Member wishes to speak, then I close the debate and ask the Greffier to place a link in the normal way. Do Members have the link in the chat? I can see that it is there now and the voting is now of course open and many Members have already had the opportunity of casting their votes; those that have not can use the link for that purpose. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

[10:15]

The regulations have been adopted in Second Reading: 39 votes *pour* and no votes *contre* and no abstention in the link and I count 6 votes *pour* in the chat.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Mary				

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

Do you move the matter into Third Reading, Minister?

Deputy J.A. Martin:

Yes, Sir, thank you.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and I ask the Greffier to post a link in the chat in the normal way. I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted: 43 votes *pour*, no votes *contre*, no abstentions.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				

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

5. Draft E.U. Legislation (Official Controls) (Jersey) Regulations 202- (P.138/2020)

The Bailiff:

The next item is the Draft E.U. Legislation (Official Controls) (Jersey) Regulations, P.138, lodged by the Minister for the Environment. The main respondent will be the chair of the Brexit Review Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft E.U. Legislation (Official Controls) (Jersey) Regulations 202-. The States make these regulations under Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014.

The Bailiff:

Is this also Deputy Guida who is taking this one, Minister?

5.1 Deputy J.H. Young (The Minister for the Environment):

No, Sir, I am going to do it myself, thank you. At first sight this third piece of Brexit readiness legislation at 39 pages may seem rather daunting and indeed there has been a huge amount of work involved. But of course its purpose is straightforward, it is to protect Jersey's trading position at the end of the transition period, whatever the outcome of the trade negotiations. As the citation says, if the regulations are adopted it implements the rules set by the E.U. on the matters of food and feed

law, rules on animal health and welfare, plant health and plant protection products. These, of course, were introduced to protect food, animal and human safety right across the E.U. and of course they came into force at the end of last year. We need to bring ourselves into line with that but especially now as we are a third country in exporting to the E.U., and that means we must demonstrate we have got the necessary controls to ensure there is no spread of disease in plant materials, animals, feed and foodstuffs and also measures in place to ensure that safety. Not only do we have to have that but of course it needs to be demonstrated in the legislation that we have competent officials and that they are all disclosed and we can produce that evidence. That means inspection and sampling activities and done by people who are qualified and know what they are doing. Of course, by putting this into our regulations, that provides the reassurance to the E.U. and of course also in the other direction as well, it gives the reassurance to the U.K. Defra (Department for Environment, Food and Rural Affairs), which of course is necessary under our 2-way F.D.A. (Food and Drug Administration). Of course, many of the subjects that are in the regulations, and we already have dealt with in existing legislation, but in fact a great deal of our own legislation is dated. What we have done is to bring this all into an explicit set of regulations, best practice, shows the required data and can be comparable, most importantly to the E.U. regs ensuring that we are in the best possible place for our trading position at the end of the transitional period. Obviously the intention, as little friction as possible, trading will carry on and of course what we are doing is the U.K. and the other Crown Dependencies are also doing. I think that is probably following the example of the Minister for Home Affairs and Deputy Guida. I shall leave it at that I think and if there are any more details I will deal with them on Members' comments. Thank you, I make the proposition in principle, please. I propose the principles.

The Bailiff:

Thank you very much, Minister. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no one wishes to speak on the principles, then I close the debate and ask the Greffier to post the link into the chat. Greffier, I do not have it on the link at all, that means some other Members will not.

Deputy J.H. Young:

Sir, I do not have the link.

The Bailiff:

The link is now, I think, up for all Members, in which case I open the ... has the situation changed, Senator Mézec, is the link there now? I open the voting and invite Members to cast their votes in the usual way. If Members have had the opportunity of casting their votes, then I close the voting. The principles have been adopted: 43 votes *pour*, no votes *contre* and no abstentions.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				

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

Deputy Morel, does your panel wish to call this in?

Deputy K.F. Morel (Chair, Brexit Review Panel):

No, thank you, Sir.

The Bailiff:

Minister, how do you wish to deal with the matter in Second Reading?

5.2 Deputy J.H. Young:

I would like to propose them *en bloc*, if Members agree. But I would just like to say one or 2 words, if I may, about them, please.

The Bailiff:

Yes, of course.

Deputy J.H. Young:

There are 28 regulations and as well as implementing the E.U. O.C.R. (Official Controls Regulation) rules, there are a number of things that are important procedurally. First of all, the Minister for the Environment, whoever occupies that, is the competent authority under there and has the power to designate officers and powers for the Minister to ensure that there is confidentiality and the maintenance of proper records and allowing the Minister to describe by order. The only power which I believe is new in here is the ability to raise fees, and I will say a word on that at the moment; it is not intended because we do not know the volume of this work. At the moment there is no proposal

in place to do that but there is power in the regs to do fees, also powers to issue certificates, permits or registration or any inspection or other service or control provided and, of course, set out offences because obviously the law does need to be effective in the States. With those comments I will propose the regulations *en bloc*, please, Sir.

The Bailiff:

Are the regulations seconded in Second Reading? [**Seconded**] Does any Member wish to speak on the regulations or any of them? If no Member wishes to speak, then I close the debate and ask the Greffier to post a vote in the link. I open the voting and ask Members to cast their vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The regulations have been adopted as to Second Reading: 44 votes *pour*, no votes *contre*, no abstentions.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				

Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose them in Third Reading, Minister?

5.3 Deputy J.H. Young:

Yes, if I may, Sir. I will just highlight 2 brief points very briefly. First of all, if Members adopt the regulations they will also ensure that Jersey is not used as a weak point to import unsafe products from anywhere else in the world into the U.K.; that is important. Not only is it going to maintain our E.U. trade but it will enable us explicitly to fulfil our obligations to the U.K., whatever the outcome of the U.K. E.U. rules. The final thing I would like to say is I would like to thank those officers, both the law officers and all of the professional officers that have done a phenomenal amount of work behind the scenes here to put us in the best possible position following our departure from the E.U. I make the regulations in Third Reading.

The Bailiff:

Thank you very much. Are they seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and ask the Greffier to post a link in the chat. The system is operating quite slowly at the moment but the link is there now I hope and I open the voting.

[10:30]

If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 42 votes *pour*, no votes *contre*, no abstentions in the link and I have a further one vote *pour* counted in the chat.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				

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

6. Composition and Election of the States: Proposed Changes (P.139/2020)

The Bailiff:

The next item of Public Business is the Composition and Election of the States: proposed changes, P.139, lodged by the Privileges and Procedures Committee. As Members will be aware, there are 7 amendments lodged to the proposition from Deputy Maçon, the Connétable of St. Clement, the Connétable of St. Martin, the Connétable of Grouville, Deputy Higgins, Senator Farnham and Senator Le Fondré. The main respondent in the debates on those amendments will be the chair of the Privileges and Procedures Committee. Therefore, I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that it should establish an Assembly of 49 Members, 37 elected from 9 districts, each choosing a number of representatives based on population, plus the 12 Parish Connétables and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows: District 1 St. Helier South, Vingtaines de Bas et de Haut de la Ville, St. Helier, number of representatives to be returned to 4; District 2 St. Helier Central, Vingtaine de Rouge Bouillon, Vingtaine de Bas du Mont au Prêtre, 5 representatives to be returned; District 3 St. Helier North, Vingtaine du Mont Cochon, Vingtaine du Mont à l'Abbé, Vingtaine du Haut du Mont au Prêtre, 4 representatives to be returned; District 4 St. Saviour, 5 representatives; District 5 St. Clement, 4 representatives; District 6 St. Brelade, 4 representatives; District 7 St. Mary, St. Ouen and St. Peter, 4 representatives; District 8 St. John, St. Lawrence and Trinity, 4 representatives; District 9 Grouville and St. Martin, 3 representatives. (b) That an independent Boundaries Commission should be established to begin work after the 2022 elections to make recommendations to ensure that the 9 districts remain compliant with the principles cited in paragraph (a), comprised of a chair and 3 other members from outside the Island and 3 Jersey residents, all with relevant skills and experience and to request the Privileges and Procedures Committee to take the necessary steps to identify, through a process overseen by the Appointments Commission, the proposed membership of the Commission for subsequent approval by the Assembly; and (c) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to alter the composition of the Assembly and create an independent Boundaries Commission in time for the 2022 election.

6.1 Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee):

This debate is not just about picking one's favourite electoral system. It is about understanding the fundamental principles of why change is necessary, what change is setting out to achieve and how

best to achieve it. From Clothier to the Electoral Commission to the Electoral Observers Mission to the research that P.P.C. (Privileges and Procedures Committee) has carried out, we should be absolutely in no doubt that the vast majority of the people of Jersey desire our electoral system to change. In March we debated what P.P.C. thought was the best change. The Assembly did not agree; we move on. But we cannot call an end to the process because we recognise that those from whom we have sought advice over 20 years have consistently confirmed what we already knew, the system is broken. It might not be at the forefront of people's minds, especially now. They might not go round campaigning for it 24/7. Some are disillusioned, some have given up on us, some have given up hope. But every time we ask them what they think of the current system they tell us loud and clear, they think it needs to change. We have been trying to achieve reform for decades, while the situation has steadily been getting worse. It has been getting worse in terms of voter engagement and cynicism. It has been getting worse in terms of the objective facts, for example, malapportionment has been getting worse, as the urban Parishes grow faster than the rural ones. Anomalies have gone uncorrected and unchecked; St. Lawrence, St. Peter and Grouville all have a 5,000-plus population and yet one of those districts has twice the allocation of the other 2. St. Clement's population is 10,000-plus, probably more by now and growing and yet has the same allocation as St. Lawrence. The advent of the general election has dealt the fatal blow to the Senatorial race, which is not to denigrate the courage and achievement of Senator Vallois, Senator Moore, Senator Le Fondré, Senator Pallett and Senator Mézec at the last election and Senators Gorst, Ferguson and Farnham in elections before. I am truly sorry to have to propose what I have to propose today but I hope you understand. Removing the distinction between Senators and Deputies is vital to simplify the electoral system. The point about simplification should not be trivialised. The complexity of Jersey's electoral system rooted in tradition is a subtle but very significant deterrent to involvement in politics. It sends a message that you have to belong, you have to have deep roots, to really understand and participate in Jersey's electoral system. It demands that people conform to the system, flawed as it is, rather than reforming the system to meet the reasonable expectations of the electorate to a simple fair system. Any system that takes 5 or 10 minutes to explain to a newcomer is presenting significant barriers; you are either in the know or you are not. In the latter case you will likely conclude that the system does not really want you to be involved. This proposition represents a considerable improvement on what we have now. It is a logical outcome of pursuing the basic principles that reform should achieve. It goes a long way to achieving our goals, ultimately greater participation in democracy and a voting system that has credibility with the public. We could sum up those goals as fewer uncontested elections, higher voter turnout, which usually comes with contested elections, fair votes and meaningful elections; greater voter equity. This is not just some abstract idea. How can we say we value everyone equally if we give some a vote of greater weight and power than we give to others and simplicity, which again promotes participation? These are the principles by which any reform proposal should be judged. All the amendments must not distract from the clear central purpose of what P.P.C. is setting out to achieve here and what we can achieve today. This proposition offers the compromise of retaining the automatic right of the Connétables to a seat in the Assembly. In return, it asks for the introduction of constituency boundaries drawn in line with international standards based on population size. The Connétables represent 24 per cent of the Assembly, so what we do with this proposition is afford them special case status, to preserve the hallowed link between the Parishes and the States Assembly. But we can only justify the hit on apportionment that that inevitably means. If the remaining 76 per cent of the Assembly is elected within guidance, constituencies of the same population size, a percentage variance from that of no more than 10 per cent or in exceptional circumstances 15 per cent; this we achieve. St. Clement at the moment breaks the rules by being 13 per cent overrepresented but this figure will come down before the next election, it probably has already, as Samarès Nurseries and the other developments in St. Clement come online. In comparison with what we have today it is a major advance. That is the compromise we make, it is a real compromise, it is an honest compromise, significant one. It is on the table to clinch the deal, to score a win and end these negotiations and deliver change that the public demands at the next

election. P.P.C. gives up the cherished ideal for one category of States Member. We also give up the ideal of total voter equity and voter equality across the entire Island. To the Constables and to those who support the automatic right I ask: where is your compromise? What compromise will you put on the table so that we can clinch the deal? If you would just honour me with one favour, please over the course of this debate or for however long it lasts, before we speak again on the main proposition, it might be some time, please keep an open mind to what the creation of the 9 new districts sensitively drawn up can deliver. Fair votes across the Island, always a contest, greater choice at election time, that is not hard to justify at the Parish Hall, is it? Even to the die-hard no-changers, there are benefits. They will feel the benefits, they are going to work. It is going to be a better election. There are going to be more meaningful elections, getting to know the candidates better. Furthermore, it is the right thing to do. Some will have to see it to believe it but I honestly contend in one election, the next election, with these changes we will convert even the most doubtful. It will certainly have a vote which carries more power than a Senatorial one because it is much more concentrated in a constituency of 11,000, as compared with the whole Island. They will be able to make much more informed choices. They would not have to wade through unmanageable amounts ... they will not be voting for foot soldiers locally, assuming they used to have an election in their Parish. They will all be voting for potential generals, the next Chief Minister, the next Minister for Treasury and Resources will come from these elections. That is another thing, why have a system that post-election restricts so drastically the pool from which the choice of the Chief Minister can be made? Because we know at the moment only the Senators are really in contention. We know this option has considerable public support. It is very similar to option B in the 2013 referendum and that was my first bullet point, as I begin to reach my conclusion in this speech. But in the light of yesterday's question time there are one or 2 things more to say and I will only take a couple of minutes to do it but they need to be put to bed. I remember the night of the referendum at the Royal Yacht with my option C colleagues. I remember the weeks of aftermath. I remember the disappointment. But no one suggested the result was flawed because the electorate of Jersey did not have the capacity, were not clever enough to understand the 3 options. What we heard yesterday was an attempt to undermine the referendum and ascribe motives to Members rejecting the referendum that did not exist at the time. Senator Farnham referred to changes to Island's democratic rights; no such thing is being proposed. Only in his imagination is a change to constituency boundaries one which reduces voter inequity and inequality and, therefore, improves voters' democratic representation; only him can see it as a threat to voters' rights. He says Islanders should be given their opportunity to have a say; well that is rich. We have already given them a say. We asked them for their views. The Senator declined to listen. Does he think people are so stupid that they will fall for the same trick again? As I said yesterday, there is absolutely no chance the public would be interested in another referendum; the Assembly would be a laughing stock. Using a referendum to try and block reform is the miscalculation made in 2013. Members underestimated the mood of the Island, they are doing it again, some of them. P.P.C.'s research, independently and professionally carried out, overwhelmingly demonstrates the desire for change still exists, ever more so. Let us deal with the argument that the format of the last referendum was flawed; too many options, low turnout. In Guernsey they had 5 different options with exactly the same alternative vote system as in the Jersey referendum and they managed to make a choice that nobody, subsequently, has argued with. Maybe some Members are suggesting that Jersey voters are not quite as bright as their counterparts in Guernsey. Perhaps they think it is easier to hoodwink Jersey voters than Guernsey voters or perhaps they are just sad losers. It is completely wrong to say that people did not make a second choice in the 2013 referendum.

[10:45]

Almost exactly half of option C supporters made a second choice, more than enough to carry option B comfortably across the finishing line. But it is irrelevant anyway, option C, the status quo, the 3 categories of States Member was still a distant last. The referendum showed that overwhelmingly

the majority supported the move to larger equally-sized constituencies; that is the one thing option A and option B had in common. Voters were happy to lose the Senator/Deputy distinction. Option C was decisively rejected. The option that was chosen in Guernsey, that many here seem to be keen on, was chosen by just 36 per cent of voters on the first count; 5,300 and something out of 14,000 and something. With reallocation it eventually ended up with 52 per cent; it was the winner. The basis of the A/B system is not a fraud. It does not make the result illegitimate. It does not undermine the voting system. It is a way of arriving at a clear choice from several different options. It is used the world over, as it was in Jersey in 2013 and it was clearly understood as such. To suggest otherwise is to suggest Jersey people are not clever enough to understand it. What we are hearing is a frankly disgraceful attempt to smear the referendum and to rewrite history. It is simply wrong to say the majority did not vote for option B. The whole point of an A/B system is to find a majority by a process of elimination and a majority was achieved by the designated method. It would be correct but irrelevant to say that there was no majority in first preference votes but that is not unexpected in an A/B vote and it is irrelevant, since A/B is designed to reach a winner by a process of elimination of second choice, of compromise. The electoral reform turnout was low but no one set a minimum bar for it to achieve. The electoral reform referendum turnout was 26 per cent, compared to an election turnout of 43 per cent. You might equally argue if you are saying that that does not give it a mandate. You might equally argue that politicians, some of us sitting now, do not have a mandate, that we lack a mandate. To pick one Senator at random, John Le Fondré. In 2018 there was a 43 per cent turnout, Senator Le Fondré got 52 per cent, so he was supported by around 23 per cent of the electorate. Does he go to sleep at night worrying about the size of his mandate or does he conclude that he played the election by the rules and won the election by the rules, just as option B played the election by the rules and won the election by the rules? In conclusion - there are just a couple more points - the Constable of St. Peter wants me to make something clear. He wants to know that this is not a 2-stage programme. This proposition is not stage one or phase one of a 2-stage programme, the second stage being the elimination of the Constables. No second stage or second phase has been considered or drawn up. If this is approved today we go to the election in 2022 with this, with the Constables in place and this, we hope, is built to last. The Constable himself knows we cannot predict what the next Assembly will do. I know that the Connétables have a conundrum to wrestle with, in that they have to weigh up whether any electoral reform leaves their position more exposed. In that way they risk becoming the block to any electoral reform. I respectfully suggest that that is not the position that they want to occupy. If we retain now the hallowed link, as I have called it before, between the Parishes and the States Assembly via the Constables and the Constables alone, will venture to suggest that will strengthen their position. I hope some of them can see that reasoning and see their way to supporting this. The more I have worked on this proposition the more passionate I have become about it. I am a bit happier proposing this than I was P.126 in March, a bit more confident. But I have to say to the 20 who supported P.126 we need your support if this is going to get through. I know it is not what you voted for previously but you did vote for reform. To those 20 I say, please hold the line because together with those who have made encouraging noises, who I think will now support this reform, together we can achieve it. We can raise our sights and raise our spirits. I make the proposition.

The Bailiff:

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

6.2 Composition and Election of the States: Proposed Changes (P.139/2020) - amendment (P.139/2020 Amd.)

The Bailiff:

There are, as I indicated, 7 amendments, the first of which has been lodged by Deputy Maçon and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2, paragraph (a), delete paragraph (a) and substitute with the following paragraph - “(a) to agree that it should establish an Assembly of 52 Members elected from 9 districts and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows: Constituencies. District 1 St. Helier South should have 5 representatives; District 2 St. Helier Central should have 6; District 3 St. Helier North should have 6; District 4 St. Saviour should have 7; District 5 St. Clement should have 5; District 6 St. Brelade should have 6; District 7 St. Mary, St. Ouen and St. Peter, 6; District 8 St. John, St. Lawrence and Trinity 6 representatives and District 9 Grouville and St. Martin with 5.”

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

Today is 1st December, so season's greetings to Members and those listening. If you will indulge me, a public health message; 1st December is also World Aids Day and I think it is just important to remind the community of the stigma that that pandemic and virus has caused many around the world. Also, just to talk about the importance of educating in tackling that stigma and also the good work that the nurses in the G.U.M. (genitourinary medicine) Clinic do to support those Islanders there. I will leave it there, it is just important to raise that on World Aids Day. Thank you. We come now to another debate on electoral reform and I know many Islanders will think: “Here we go again, they are just talking about themselves.” Why do we talk about these propositions with such passion? Because we all know it is all about power; who holds power in the Island and how it manifests itself in the Assembly and what laws and budgets are supported in the Island, and that is why Members get so animated about these types of debates. How have I come to bring this particular amendment, which is very similar to what was previously debated by the Assembly and received 20 votes? Like many Members, when it comes to electoral reform we have got to be able to compromise. Members will know in the past, when talking about super-constituencies, I have expressed the concern around the cost of moving to these and how that will make it difficult for younger people or people from a poorer background to be able to stand. But I have had to compromise in the name of a fairer system. I have also expressed the concern around losing Senators and how that gives the public the opportunities to influence who the Chief Minister will be, as it is an unwritten rule but the Senators traditionally have been the ones to secure the post of the Chief Minister. But, again, in the name of fairness I have had to compromise. When talking about super-constituencies we have also got to remember that the not so neutral player in this in politics of course is the influence of the media. When you move to bigger constituencies of course you remove the ability of Members and candidates to have that one-to-one relationship with their constituents and, therefore, it means that the role of the media and the power that it has over the effective politics in the Island increases, and of course that is always a concern but I have had to compromise. As I say, with smaller constituencies the advantage has always been that candidates can trawl their districts, get out there and meet the people. If we look at the recent ComRes report that was published, which did a survey looking at voter engagement, of the 5 key reasons why people chose not to vote, the top reason was not being able to get to the polling station at 20 per cent or that they were not interested in the election at 11 per cent and - this is the important one - did not know enough about the candidates, also 11 per cent. After that came unsatisfied with the quality of the candidates 10 per cent, which of course is linked to the one above, not knowing enough about them and part 5, deliberately decided not to vote. I have always had these concerns but, again, in the interests of fairness and equality I have had to compromise. I recall at a previous States sitting, I believe it was Senator Pallett, when discussing the British requirement to stand for election, stood up in the Assembly and said: “The pillar of my campaigns going forward will be about equality” and received a huge amount of foot-stamping from Members in the Assembly at that time. I hope that Members will be consistent today as they expressed it at that time. Because what I have brought forward is all about a fair system. I believe my amendment is the only one which is fairness compliant. As Members have seen my report and looked at the annexes, I have done the iterations looking at 49 Members that we have today, 50 Members and 52. The only way to make it fairness compliant is to move that number. Members will

recall that we used to have an Assembly of 53, though it is not a huge departure from where we are. In the past when we have been debating electoral reform propositions I have always expressed a concern about the reduction of the membership because, as we know, despite what some may think out in the community, States Members are not here twiddling their thumbs, they are in fact incredibly busy, trying to do what they can to improve the Island. By creating more panels, more committees, more Ministers, as we have seen to the change from the Clothier report, we have got several more Ministers and indeed more Scrutiny Panels. Extra Members in the Assembly affects all of us. I just want to say that this proposition amendment is about the system and it is not about people. Because I believe that every Connétable in the Assembly works incredibly hard and is passionate about the Island. But I do have to ask the question, if we are going to change the system in the name of fairness, why would we then choose at the same time to keep the most unfair element in the Assembly, while we have such disproportionate mandates between the system that currently exists? It seems completely bizarre that we want to move to a system of equality but then keep that anomaly. Again, this is not about the people, who do a very good job on behalf of the Island, none of them made the current system and so we do need to look at it. We need to look at uncontested elections and, again, that is not the candidates' fault, anyone can stand against. But, as we know, in small communities it can be even more difficult to stand in a single-seat constituency against another because of the role of the personality politics. We also know that constituencies that have more seats allow for greater diversity and allow for a wider breadth of candidates to stand and put their mandate before the electorate. As I say, this amendment is a pure one, it is about equality and it is very hard. At the end of the day Members have to ask themselves: do they think the public of Jersey deserve a fair electoral system or not? I propose the amendment.

The Bailiff:

Thank you very much, Deputy. Is the amendment seconded? [**Seconded**] I open the debate.

6.2.2 Senator S.Y. Mézec:

I thought that was a good opening speech from Deputy Maçon. At the start of my speech I want to still refer to the main proposition, just because I think it provides the context for deciding how I think we should approach this amendment. I bear in mind that we, potentially, have a long day ahead of us and, to be honest, I do hope that some of these amendments can be dispensed with relatively quickly so we can get back to that main proposition. Because I have to say it is the main P.P.C. proposition that offers this Assembly and the Island the best chance of progress and presents a genuine compromise for how we can move forward.

[11:00]

For having an electoral system that can give the public confidence, will deliver them the governance that they want and that they choose, while also respecting the Parish representation that for many Islanders and many in this Assembly is also important. As long as we have had the current electoral system, which was first used in 1948, there have been campaigns for electoral reform. The 1948 system was foisted upon us by the British Government. It is not a very coherent system. Even before it had been introduced, you can find leaflets and *J.E.P. (Jersey Evening Post)* clippings of people arguing back between 1945 and 1948 for the States Assembly to adopt a Clothier-type system. So long have these debates on fair representation been going on. It did not take until the year 2000 before Clothier reported with their proposals for fair representation. Here we are, 20 years later, and we are no further forward at all. In that time, there have been countless propositions brought to the States Assembly. We have even had another Electoral Commission. There was a referendum. This iteration of P.P.C. did a substantial amount of public engagement before their Electoral Reform proposition earlier this year. These attempts face defeat after defeat after defeat. At no point did those who want change simply hold their hands up and go: "Fair enough, we are not going to get progress, let us just give up the fight." It does not happen. In fact, for many of those people, it

strengthens their resolve to campaign even harder for fair electoral reform. That is going to be the case, even today, if electoral reform is rejected by this Assembly. It is something that will continue to happen until we have a system in place which meets basic principles of fairness. I think we have to acknowledge these decades of rather undignified wrangling of referendum results, which are ignored and the rest of it, is not the fault of the public. It is the fault of the politicians who have not been prepared to offer a fair compromise and to be prepared to move from their own entrenched positions in the interests of the public. When P.P.C. undertook what was, I would hope we would all agree, a very comprehensive exercise of consultation on their previous iteration of electoral reform proposals where they engaged across the Assembly with States Members they did Parish roadshows. They did focus groups. That work culminated in presenting a proposition for electoral reform which, whether Members liked or did not like, you cannot deny that it was absolutely logical and it drew up a system which made sense. It was mathematically good, in terms of the apportionment of Members. By all objective standards, should have been hook, line and sinker, but it failed. It failed like all the rest of them beforehand failed. Perhaps this is right or perhaps it is wrong, but having listened to that debate, having attended some of the Parish roadshows, what I picked up on was that the main concern for many of those who were against that proposition was that they were worried about the lack of Parish representation. In some cases, they specifically worried about the lack of Constables being in the Assembly, because for their own reasons would have had concerns about what wider implications that may have for the Parish system, which is very important for Jersey's society. That is the reason that that proposition failed. Even though it made sense and had some very consistent principles underpinning it, it failed. This amendment that Deputy Maçon has proposed ticks all of those same boxes. It makes sense. It is a simpler system. It will be easier for voters to engage with. In terms of voter equity, it is quite possibly the fairest proposition that has ever come to the floor of the Assembly. Like the previous P.P.C. iteration, this amendment too will fail. I suspect that the Assembly will not adopt the amendment. Even if the Assembly did adopt the amendment, I do not think there is the faintest chance that the Assembly would then adopt the amended proposition. That will be despite me voting in favour of it, I have to say. I will vote in favour of this amendment, because it does represent what I want in an electoral system and my integrity will not let me do otherwise than vote for it, because it is a fairer system, because it is a simpler system. I am voting for it, knowing full well that it is going to lose. Deputy Maçon must surely know that as well. He must surely know that what he is proposing makes perfect sense to him. It makes perfect sense to me and many others. He has not done what the chair of P.P.C. has tried to do, which is to offer an olive branch to those who just do not agree with us. At this point, having witnessed 20 years of these debates, I just do not think we are going to be able to take those who oppose electoral reform on the basis that we support it, on one type of Member in equal-sized constituencies, and simply beat them into submission. It is just not going to happen. The only way we are going to get progress is to offer that olive branch, offer to take one step towards them and hope that they reciprocate by taking a step towards us from their direction as well, so that we can come together and move forward. P.P.C.'s proposition, P.139, builds on their original proposition in having decent constituency make-up and fairness at the core of what it is trying to deliver, but it takes into account the comments that were made in the debate about Parish representation, about the Parish system and also about respecting previous referendum results. I am sure I am not the only one who came away from that previous debate and heard many Members say that if Senator Gorst's P.7 proposition, which resembles P.P.C.'s proposition now, had gone ahead afterwards, as was originally intended, then it may well have got through the Assembly with support from those who, at that point, would have probably been minded to have some sort of compromise and deliver a fairer system on that basis. If that had gone ahead, we could have saved quite a lot of time, could we not? We would not be having to set aside probably the whole day today, in a pandemic with Brexit on the horizon, to talk about ourselves. We could have just grasped the nettle and dealt with this subject that has plagued Jersey politics for decades, and which will continue to plague us for decades if we do not take up an opportunity to support change and make our electoral system fairer. Though it pains me to say it, because I want a

system based on one type of Member and equal-sized constituencies, I will have to compromise. Rather than be a block on change and refuse to support anything because it is not perfect in my eyes, I have to take a step towards those who I disagree with and say: “Let us find some commonality, so we can get that change.” Not in our own interests, but in the interests of the public, to have a better system that they can have confidence will deliver a fairer election, a more representative Government and safeguard the Parish system as well, which is something many people consider to be important and, also on top of that, it respects previous referendum results. I commend Deputy Maçon’s integrity with this proposition. It makes sense. I like it. I will vote for it, but he is going to lose. It is going to fail to get a majority of States Members to support it, certainly at this stage and absolutely at the next stage as well if I happen to be wrong about this amendment being adopted. The consequence of that is that it makes the debate on P.139 less clean than it otherwise could have been. I hope that we can dispense with the amendments on the composition of the Assembly relatively quickly and get to debating how we can improve our electoral system based on the compromised version that P.P.C. have proposed and take the Island forward and end these decades that we face of lots of time and money being spent. Let us grasp the nettle and move forward.

6.2.3 Senator S.C. Ferguson:

As an aside, I had to contradict my good friend, Deputy Labey, but the differential between Senators and Deputies originally is, I understand, that of continuity. People assessing the differentials miss this link. It is not necessarily understood by everyone. People in power seem to think that Westminster is the ideal. It seems more to me to be a version of the U.S. (United States) System with Senators providing the continuity considered necessary. In a matter like this, I tend to go back to first principles in these debates. The Venice Commission was a child of the Council of Europe, which was a forerunner of the E.U. Great Britain was not part of this, so why are we following this so slavishly? We do not follow their common law and their legal systems and their political intentions. We are breaking from the E.U. We have just spent a whole lot of time, energy and expense on Brexit. Why are we clinging to the Venice Commission? The general population is, quite contrary to Deputy Maçon and possibly Deputy Labey and Senator Mézec’s understanding, not thick. They are highly intelligent and independent. You have to be pretty independent and intelligent to run an efficient farm. We could provide extra Members for St. Helier. We need to spread the workload. Either that or we reduce the morass of briefings, papers and so on of the civil servants that is being dropped on us. When everybody started shouting about reducing the number of States Members there were considerably fewer people living in the Island. Not only were there fewer people in the Island, but we somehow worked more efficiently. We need to reduce the expenditure and the morass of the work the civil servants drop on us and increase the number of people in the States, so that we can get the work done without running at full steam. We perhaps do need to think again. Instead of trying to squash a quart into a pint pot, let us just do it rationally.

6.2.4 Senator L.J. Farnham:

I will not be speaking on every amendment, but I wanted to speak early just to remind Members of some of the reasons why we have a system which encompasses 3 types of States Members. I apologise in advance for myself again. I know a lot of repetition over the course of the next day or 2, depending on how this goes on, but equally that could be important, because we must not make any decisions to change the constitution or the make-up of our States Assembly.

[11:15]

Just going back to the current system or the reason why we have 3 types of States Members, that is, simply put, because we are a unicameral system. We do not have an Upper House. We do not have devolved Assemblies around the Island or city or town councils at this time. We have the States Assembly. All of the key decisions of the Island and the legislation are agreed in that Assembly. That is why it is important to have different aspects of society represented in that Assembly. We

know that Deputies represent the constituencies and the constituency interests. The Constables look after the elements of local government and represent the whole Parish in the Assembly. The Senators represent our small but important Island's national interest. It is that blend and that balance that I feel is so important. I just wanted to remind Members of that. We should not lose the Island-wide mandate without a great deal of thought and consideration. It is the most fairly elected Member of the Assembly. It is elected by the whole Island. The retention of the Senator makes no difference to the figures and the percentages that are being bandied about. There has been no public consultation in relation to the Senator, no: "Yes, no, shall we keep the Senators?" I am absolutely sure that if we were to ask the public: "Should we keep the Island-wide mandate, yes or no?" it would be a resounding yes, similar to that of the Constables. I respect every States Members. I know we all sit in this Assembly because we not only have a strong interest in working for our Island and working for Islanders, but we also share an interest in politics. We share an interest in our own democracy, which is why I would ask Members to avoid the temptation just to give in today to reform, because we are just sick and tired of waiting or we have grown weary of having to deal with this time and time again. It would be a mistake to let the scatter gun approach, which is aimed at wearing us all down, to give way and not make the right changes. Of course, I will be speaking again in relation to my amendment, which I believe is an olive branch. It is not what I would like ideally, but it is an attempt to be a compromise and a blend. I will be reluctantly not supporting this amendment or any of the other amendments until we get to that stage. I ask Members to bear in mind the consequences of changing the current system, especially losing the Island-wide mandate and the balance that brings to the Assembly. I speak from experience, having served as a Deputy and a Senator. I remember fighting for causes in my district, St. Saviour No. 2, where we were fighting hard to protect green space. It could be argued that while I was fighting hard for my constituents by stopping new homes being built for Islands, I was not acting in the best interest of the whole Island. It is that balance we must retain.

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

We will all be reform debate weary by the end of the next few days, so I want to say from the outset it is likely that I will probably speak briefly to each of the amendments. It may be the one time that I am grateful that the length of our speeches are in fact restricted to 15 minutes. I want to start with the amendment by thanking Deputy Maçon for recognising that the Constables work incredibly hard. Those were his words. He said that he believes we all work incredibly hard. I am sure we are all grateful to him for his public recognition of that. I am sure none of us will disagree with him. Very briefly, I would like to speak to the report that Deputy Maçon has attached to his amendment. In that report he says that P.126 of 2019 was pretty close to perfection for fair representation. P.126 of 2019, let us remind ourselves, was for 46 Members from 9 districts, no Senators or Connétables, with 8 districts electing 5 Members and one district electing 6 Members. What he does not mention, of course, is that P.126 of 2019 did not respect the referendum and the expressed wish of electors for a smaller States Assembly and the retention of the Constables within the Assembly. Senator Mézec spoke a moment ago about there being no compromise in this amendment. That is absolutely clear. Not only is there no compromise in it, but every single Member of the Assembly is blamed by Deputy Maçon as being unco-operative for dropping the principles during the debate of P.126 of 2019. Principles need to be set out and the Venice Convention allows exceptions. I do not want to keep repeating this. Members have seen our comments. We have issued comments to just about every amendment and every proposition that has been lodged and debated on States reform over the many years that such debates have been taking place. The Deputy, in his report, says that P.126 of 2019 put the voter as the centre of interest, but of course in my view it did not do that, because it did not take account of the previous referendum or the public views expressed at public meetings held by P.P.C. to outline their proposals. I refer Members to our comments again on P.126 of 2019. Members will probably gather that I do not support this amendment for a number of reasons. Finally, I would like to refer to the final paragraph that the Deputy has made in his amendment when he says that

Members will have agonised over voting for P.126 of 2020. Of course, that is what we all did earlier this year, given the unsettling changes to constituencies. He also goes on to say that true service is to put our people first. My view is that true service should be putting our people first and what we should be doing is taking into account their wishes. We know their wishes, as expressed in referendum and at public meetings. That is not this amendment. To me, that is putting people first, which means we should reject this amendment.

6.2.6 Connétable J. Le Bailly of St. Mary:

This is a very controversial issue and the public are amazed that we are debating it yet again. As this is a constitutional change, it should be the public to decide by referendum vote at the next election, with conditions that the public vote is honoured and not brought back to this Assembly for a further debate and vote. At the moment, comment that I get from parishioners and Island-wide electorate is: “Why? Why bother? We are happy with the present set-up. Have you not more important things to do?” I have no clear indication from the public that one of these options is what they want. At present we have 7 amendments, with only one, by Senator Le Fondré, which is close to what the public want. People are still very angry that Senators were reduced to 8 from 12. I will be voting against all of this, apart from the proposition from Senator Le Fondré. This is an issue which should be ultimately decided at the next election by the electorate, with no trick voting or combined voting. We represent the people of Jersey. They should have the right to say how we do that. It could be that an all-Island mandate for all politicians should be an option. I will leave it there.

6.2.7 Deputy J.H. Young:

I am hoping not to speak on every item. I want to speak on this item because the amendment proposes the removal of Senators and is a major change, so I want to make a couple of points. First of all, in response to the previous speaker, the situation is absolutely completely unsatisfactory. Twenty years ago the Clothier Panel put in place a major change, our ministerial system. That required a new system, a system which was a fair way of electing Members to the States of Jersey, so that the Ministers can be kept in a proper constitutional arrangement, where accountability works as best it can do under such a system. They warned against doing what we did, which was to pick bits of it. It cannot stay. Yes, there are those people that favour the status quo, and I respect their right to do so. I would say that any rational argument says we need to change. What is that change to be? I see the benefit of having an Island-wide mandate. I stood myself in a Senatorial election once and a by-election once. I did not get elected either time. In fact, on the first occasion I was one of 3 Deputies that lost their seat. Maybe I am a glutton for punishment that I sought to come back after I had left the States for a while. Nonetheless, I experienced for myself how the Senatorial life is. If there was ever a point in Senators, it was that there were 12 of them and they were elected for a 6-year term and the arrangements in the law were that half of those Members retired every election, which Senator Fergusson’s key point reminds us that it gave an opportunity for an element of continuity in the whole States. It is a fact that generally speaking the most senior positions in the States went to the most experienced Members, who were battle-hardened and had honed their skills. The moment that was reduced down to 8 and the general election arrangement was introduced, which mean that effectively Members had to make a choice if they were staying as a Deputy, if they were an existing Deputy. I would argue that it is very, very difficult for a new candidate to come and take place in a Senatorial election, which are very competitive, and successfully win a seat, so I think access to new entrants. We do need to have succession, but it is not easy. Also, I do ask: is it good to have a system that throws away Deputies if you do not succeed in that election? I exclude myself because I probably deserved not to get in. I make the point of a principle. Is that a good system? Also I found one could spend a lot of money. The limit on a Senatorial is about £1,000-odd.

[11:30]

It is really hard in a short period of time to succeed. Whereas in a Deputy situation, where you have Deputies elected unelected, and you have a large number of Constables elected unelected, I do not believe that is an equitable, fair or democratic arrangement because it means that in the end every Member that is elected has the same power of authority. In an ideal world, under the 12 system, there would have been enough Senators to appoint the Ministers, but there is not. Secondly, as Deputy Labey told us, it is obvious that the Chief Minister candidate can only come really from those with a decent enough mandate, an all-Island mandate. I ask myself: "Is that a wise situation, when the Chief Minister is elected by the Assembly as a whole?" I do not think it is. I can see the argument that say: "Well, why do we not do what Guernsey did?" There is no question the evidence is that it is very, very high risk. We have a situation which does not work. Where do I end up? I will support Deputy Maçon on this occasion for 2 reasons. First of all, because of the reasons I have said: Senators are not there. Secondly, because I believe the numbers of States Members, as 52, is also an important issue. Within a ministerial system we need enough other Members, who are not in the Executive, to be able to keep the Executive and keep the Ministers under proper control. We need that. Reducing numbers down and paring numbers down puts that at risk. That is not a sensible thing to do. I support Deputy Maçon, but like Senator Mézec, I do not think it will be successful, but I support it for those reasons. Where I have come to, again, in this, and this is why I may not speak too many times again, is that I go the arguments of Senator Mézec and Deputy Labey. This has gone on for far too long and we have to go with a compromised position. When I previously was in the Assembly, I cannot remember when it was, when we voted on the Electoral Commission, at that time I was not convinced. I wanted the perfect result. We did not get it. I now regret that I did not support it because there was a sufficient basis in the Electoral Commission report and the referendum to be able to adopt a compromised position. Now I am absolutely for that. I really hope that we can get to that and get the votes out of the way on those things which are non-starters. I really hope that at the end of this debate we come out with a change for the better, with a compromise. I shall support this amendment and I will leave it at that.

6.2.8 Deputy M. Tadier:

When they abolished the slave trade in 1833, it did not happen overnight and it happened with a lot of compromise that we would find abhorrent today. It started off with them banning the slave trade, initially, in the early 1800s. Slavery itself was not abolished until 1833. When it did get abolished it was only because they had to compromise and pay off the beneficiaries of slavery to the tune of millions of pounds, in other words. These were the slave traders, the landowners, the ones who were already wealthy and powerful and who stood to lose from it financially. The morality of it was perhaps the secondary consideration. The reason I say that today is because there are Members of this Assembly who do not have it in their psychological make-up, let alone their political philosophy, to understand what basic fairness and equality is. Fairness and equality, for example, if you have 2 children, a 5 year-old and a 10 year-old, you would not give them the same amount of food to eat. You would treat them fairly and doing what is fair for each child is giving them what they need for their success and for their sustenance and for their welfare. You would probably give the 5 year-old a smaller portion of food than you would the 10 year-old and you would not get any complaint from that, because that is what they need at that time. However, when we translate that politically, we know that systemically we have a system which favours and has always favoured the countryside. That is why we have John Kelleher's book called *The Triumph of the Country*, which is just as relevant today as it was when he wrote it about the times which he wrote about. That is because power does not give itself up easily. I suspect that there are a couple of Constables in the Assembly who will support wholesale reforms. I hope that there will be others who will compromise today, because I know there are competing arguments. If we cannot get the basis of fairness together as our starting point then we really do not have anywhere to go. I will be supporting Deputy Maçon's proposal. It is not because it is my preferred option. I do think there is something to be said for small constituencies. I am perhaps a purist in the sense that there is a lot to be said for the Commonwealth

model. It is not exclusively the case that all Commonwealth countries use it: one seat, one man/woman, one vote. The reason that is really important is because it gives accountability. You know exactly who your M.P. (Member of Parliament), your politician, your representative and you know that is the person you go to when you have an issue. In Jersey we have so many. People say it is an advantage to have lots of politicians you can go to. However, often issues fall between several stalls. I like the purity in knowing that you are accountable to that constituency and the constituency have the ability to vote you in or vote you out if you are not doing your job properly, and you are the one that they come to for a response. That is not what we have on the table and I do not think that is a majoritarian view among the Assembly. For my part, I am certainly making a compromise with this. There are only 2 iterations on the table this morning, which are both workable and fair, fairness in terms of their overall distribution. P.P.C.'s proposition ultimately tries to get better fairness. They are quite honest. They say: "Look, you have to take the Constables separately as a separate case and all of the other seats are fair." Of course, by keeping Constables in the States with super-constituencies, it is not possible to get fairness of distribution. The only way you can do it is either by not having Constables and having one type of States Member. The decision has always been do you have them in super-constituencies or do you have them in small constituencies? Do you have single-seat constituencies? In which case, you would need 50-odd. Or do you have multi-seat constituencies, which is what Deputy Maçon is proposing? The fairness and distribution argument is much more important to me than what type of constituency size we have. I am glad that Deputy Labey referred to it in his opening speech, those who try and dismiss those who value mathematical distribution and fairness in the electoral system as some kind of crazy people or obsessives or purists. This is the fundamental of democracy. Imagine you had an island with 100 people and there were only 2 districts and one person lived in one district and 99 lived in the other district, you would not give them equal representation. In an Assembly you would not say: "Well, look, you can return 3 Members and you can return 3 Members as well and that is fair because there are 2 constituencies." It is complete nonsense and it does not stand up to intrinsic rational analysis or indeed to international scrutiny. It is common sense, axiomatically unfair. However, this is not the starting point we are at. I will be supporting this proposal. Those who say: "Look, we have had a referendum and the referendum chose to keep Constables." Yes, you can ask all sorts of questions and you will get a particular type of response. For the football supporters in the Assembly, I know that there are some, if you asked a room full of 100 Manchester United supporters and only 20 Arsenal supporters: "Do you think that the current system whereby Manchester United will be allowed to play with 12 players and Arsenal have to play with 5. Let us have a vote on it." You might well get a result that says: "We want to have an unfair advantage to Manchester United, which arguably was the case during much of the 1990s. That is a side issue. It helps when you have a referee on your side, I guess. That does not mean that it makes it fair. You cannot abdicate the responsibility of fairness by saying a referendum result which voted for something which is inherently unfair or workable is on the table. Of course, I do accept that there was a referendum. If that is the clincher for Members then they have to seriously look at something like what Deputy Higgins is proposing or possibly what the Constable of St. Clement is proposing. There are ways to keep the Constables in the States and do it fairly. It means that those Parishes then have to take a hit on their other representatives. I remember back in the referendum Members campaigning for other options. They said that they understood that. They said: "Look, we know, if we have to keep the Constables, we probably have to give up a Deputy." It will be interesting to see how those, whose prime driver is for Parish representation. I understand it to a certain extent. Like I said, we need to keep that link. There is a purist link between the single seats, whether they are Deputies or Constables, and the electorate. If your Parish is therefore to be represented, let us say St. Mary or St. Martin, is to be represented by the Constable then you do not need your Deputy in the States. If you become amalgamated with other districts, you need collectively to give up your representation, because you are being unfairly represented at the expense of other people. It is not about Parish versus Parish. This is about voters from no matter where they live in the Island. People are mobile, of course. You get people moving from Parish to Parish,

finding that their vote is not as valuable. This is a problem. If I am voting with my heart and my head, the only 2 options that I can support today are the ones being put forward by Deputy Maçon and Deputy Higgins, who do recognise that there are 2 ways to achieve fairness under what is being put forward by P.P.C. I am not going to have too much of a go at P.P.C., because I know that they have been trying to find something that is acceptable to Members, which was not, of course, their initial starting point. I will leave the comments there. I will probably have more to say later.

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

Deputy Maçon, like me, has been chair of P.P.C. We have the scars to prove it. We have tried to take reform proposals to the States. I took the referendum to the States and resigned when the States refused to honour the public's vote. Even though I did not agree with the outcome I still took it to the States Assembly. Deputy Maçon has done a real service today. He has been a very busy Assistant Minister. He has stepped up to be a Minister, but he still found time to engage in the need for reform. I was sorry that Senator Mézec was a little bit downbeat in his speech. While he said that this was the best in terms of fairness of the reform proposals before us, he was quite sure that it was not going to succeed. I am the second longest serving Member of the States Assembly and I do not recognise that degree of pessimism. I still manage to stay optimistic that the States will reform themselves before somebody else tells us to do it. I am not sure how many more chances we have to get it right. I do want to distance myself from the comments and possibly a lot of the speeches of my fellow Connétables. The Constable of St. Lawrence kept referring to public meetings. We all know that, with the best will in the world, even pre-pandemic, it was pretty difficult to find out what the public and what the parishioners thought in a public meeting, particularly in St. Helier where there is no way that one could convene a public meeting of the people with a right to be heard or vote. The Connétable of St. Mary assured us that his parishioners in St. Mary like things the way they are. Well, I am sure they do. Gerrymander is good, if you are in the gerrymandered situation.

[11:45]

It is the people who are not in the gerrymandered Parishes that find the current situation unacceptable. It is the people who have less political power because of where they have chosen to live or where they have had to choose to live because of their economic circumstances. It may be that some Members are a bit worried about Deputy Maçon's amendment, because it proposes a large number of St. Helier Deputies. One looks at that figure and adds in the Constable and thinks: "My Goodness, St. Helier could start to swing decisions in the States Assembly." Then one takes a steps back and says: "Well, is that so very wrong? St. Helier has a third of the electorate; of course it should have more sway over decision-making, particularly where it affects the Parish, than it does at the moment." Deputy Maçon, and I think, Senator Mézec as well, said that this is the fairest way of apportioning political influence or political power in the Island of Jersey. That surely means that we must take it very seriously as an option. I was pleased that Deputy Young, who repeated the common hankering after Island-wide voting and the role of the Senator, was realistic enough to realise that that train has left the station. Senatorial positions only really worked, some cynics might say, when there was the calibre of Member stepping up to be Senators, but it was also to do with the length of the term of office. Once that was dissolved and we had a single election day, of course the attractiveness or the incentive of becoming a Senator rather than another type of Member rapidly evaporated. I urge my colleagues on the Comité des Connétables to support this, not least because it keeps their automatic right to be in the States. Is that not what they want? It respects the referendum that the States failed to respect before by keeping the Constables' automatic right to be in the States. That is a problem for some Members, like myself, who do not feel that any type of Member should have an automatic right to be in the States, but I think crucially this proposal, and indeed P.P.C., means, as the chair of P.P.C. said in his opening remarks, that every seat will be contested, and is that not what we all want? We all want contested seats, we all want fairness. The only drawback that I can see in this amendment is that it may end up costing more to pay for the extra Members, but that seems to me a small price

to pay for the first time really in a long time, perhaps for the first time ever in the history of Jersey, every person will be able to experience voter equity. It may not matter to everyone today but when we come to the general election - the Constable of St. Mary said we should wait until the general election before we do anything - if we do not accept these proposals today, will be a gerrymandered election and that cannot be a thing to look forward to at all. That is why I urge Members to accept this amendment because it delivers fairness for the first time to our electoral system.

The Bailiff:

Connétable of St. Martin, you have raised the point of a question. Is it a point of clarification you are seeking or a point of order? A point of clarification of the previous speaker? The P.P.C. will be taken as amended by this amendment if it succeeds so, in effect, yes.

Senator L.J. Farnham:

I am sorry, Sir, those online I do not think could hear the Connétable.

The Bailiff:

Yes, I think the Connétable did not have her microphone on. The Connétable of St. Martin asked that if this amendment succeeds, what happens then to the P.P.C. amendment. I indicated that the P.P.C. amendment then is taken as amended by this proposition, so effectively it is no longer before the Assembly because it has been amended by this proposition if it succeeds. Does any other Member wish to speak on this amendment?

6.2.10 Senator J.A.N. Le Fondré:

What I am finding hard about this debate, and I think Members have alluded to already - and we will cover the salient point as well obviously - is I think this is completely going to be viewed by the public as talking about ourselves in the middle of a pandemic. Oddly enough, of the very few emails I have had on the subject in the last few days, most people, even those who have supported change in the past, do not think this is the right time. Oddly enough, just as a random thing, bearing in mind that the potential outcomes of any of these amendments, including Deputy Maçon's, is that either the Senators get removed, the Connétables get removed, notionally certainly the methodology of electing Deputies gets changed, that is you will no longer have a Parish Deputy, you will have a super-constituency of some description or other, so I would argue that means your Parish Deputies could be removed, I laid out in my office the *J.E.P.s* of the last week. None of them had any headlines on the front page about electoral reform, whereas if this was such a burning topic that would be the item of the day. Funnily enough, I think people are worried about, particularly with the increasing numbers that we are seeing in the last few days, getting the pandemic under control and, frankly, whether they have a job next year, and that is what they want us focusing on. To come to the main points, I may have misheard the Connétable of St. Helier - I agree with him on one point but, as he knows, on this one we have different views on electoral reform - but he did say this retained the Constables, was what I heard him say. As I understand the proposition from Deputy Maçon, it removes the Senators and the Constables. I think there are 2 points that come out of that. I do agree with the Connétable of St. Helier that we would all like to see all seats contested. I think the Connétable is of the same view and I note that later on the Connétable of St. Martin has the proposition about "none of the above" and I think that is one that we should be looking at, personally, because that would address it in a different way, but anyway that is a separate subject. I agree with Deputy Tadier about smaller constituencies, and I will come back to that. But I do not support the absolute removal of the Senators and the Constables and the introduction of the super-constituencies, and that is what I want to address. To give an idea, where I think Deputy Maçon has been brave, and I mean this in a very positive way, he has lanced the boil a bit about the continuing mantra of needing fewer States Members. That, to an extent, is why I have always felt, for quite a number of years and what I had hoped to achieve this was, that we should be looking at a certain number of principles first

before we got back into yet another debate on the exact mechanics. By that I mean, principle number 1 is do we want less, more or the same number of States Members, and Deputy Maçon has grasped that nettle and suggested that we should go back up to, in this instance, 52. As Members will see, I have lodged something else that suggests 53. The point is with those 2 numbers they are either the same or less numbers of Members as when I first started back in 2005. What we have done over the time I have been in the States, as we all know, is we reduced Members from 53 down to 49 now. There is an irony, and I am sure the Connétable of St. Clement will refer to it, assuming we get to his amendment, that I believe today is the 20th anniversary of the issue of Clothier. But the other point in there is that it also shows how the Island has evolved, because I am fairly certain that 20 years ago we did not have a Minister for External Affairs, for example. It was done, I suspect, through the president of Policy and Resources and one or 2 other senior Members, and we certainly did not have a whole department dedicated to dealing with the international relationships that the Island now manages and seeks to enhance. That goes in 2 ways: that is the way the world has changed and it is about supporting the economy and Islanders' lives and it is also demonstrating even as a very small jurisdiction the role that we play in the global world today, which has changed. The point I make is that life has got more complicated. I noted somewhere that the population in 2000 was just over 88,000 and now we are at 108,000; that is a 22 per cent increase at a time when States Members have fallen. I think that is something Members should consider. It does not matter how we address that to an extent, but I think it is how we should consider is there anybody in the Assembly these days who is fundamentally not doing anything. My take is that everybody is very busy and particularly in a pandemic that has stretched the system, and I mean that politically as well. From that point of view, I think Deputy Maçon needs to be praised from the point of view of raising that and giving it an airing, because while I can understand why on earth would the public want more politicians, on the other hand it is us who see the system and how it works. There are also other areas that we need to understand: what are the barriers to election? I do not think it is the fact that there is inequality of the vote or all the rest of the terminology that has been used in certain circumstances. I think the other measures will be on the lines of reputation of the individual coming in, the impact on social media, and the one that, to be fair to Deputy Labey ... and by the way, although I do not agree with him on some of the things on electoral reform, I do agree he is trying to address a whole range of issues that people have not succeeded in addressing previously and States Members' pay for people coming in from outside now is starting to become an issue. But that is an aside. I will go back to Deputy Tadier and talk about the smaller constituencies briefly. I think he has a point there and again that is about barriers and that is where, for me, if we have the existing systems where we do have smaller feeding constituencies, where you first get elected potentially, you cut your teeth on Parish issues or the district issues and then at some point or other you move up to the Island-wide mandate; personally that is a system that can work if it gets tweaked slightly. That is why I refer - I think it is appropriate - that is something that P.P.C. have not particularly addressed on the second part of my amendment, which is about districts. In other words, in Deputy Maçon we are looking at super-constituencies to try to address some of the disproportionate position on voting. Where it becomes controversial is because you are, if you like, diluting what are regarded as ancient and historic Parish boundaries and that goes right back to the Parish system and the Island culture and the Island identity. Frankly, districts are basically based around vingtaine boundaries and I would suggest there are very few Islanders who actually know what vingtaine they live in. Therefore, by tweaking the district boundaries, it is far less controversial and far easier to tackle some of the distortions that are in the system. I will briefly touch on referenda and then I will come back to Deputy Maçon's proposition, because it is relevant, I think. In all of these, whatever happens, I do absolutely think we should be dealing with and whatever is agreed by this Assembly, if there is something agreed by this Assembly, it should go back to a referendum, and I will make 2 points to address some of the comments that have been made during the debate so far. One is the denigration that is poured on the outcomes from the A, B, C referendum, which was 2 referenda ago, from memory. I think the best way to summarise is a quote from a proposition that was brought by Senator Ian Le Marquand of the day, who was very

well-respected and was looking at it fairly objectively. The comment is that option B, even if you take account of the votes in option C, did not get to 50 per cent of the total votes cast. It got close, it stopped at just over 49 per cent and that was of the 26 per cent, approximately, who voted. It was a very low turnout and option B did not get to 50 per cent. What he said in conclusion, which is why this thing has gone on for so long: “In my view, the most that can be said for option B is that it won a sporting contest. I know this will disappoint the B supporters but there simply is no mandate for this particular package of change.” I think it is relevant just to cite, which is from the U.N. (United Nations) website in relation to the Venice Commission, for future referenda, it says: “The question submitted to the electorate must be clear, not obscure or ambiguous, it must not be misleading, it must not suggest any answer, electors must be informed of the consequences of the referendum and voters must answer the questions asked by a yes, no or a blank vote.”

[12:00]

That was the point, we did not have a yes/no binary choice referendum and that caused a whole range of the problems that we are dealing with. To go back to the precise details we are debating right now - and thank you for the leeway I have slightly had - under our present system we have a range of between 10 and 13 votes, which is 8 for Senators, one for a Connétable and between one and 4 for Deputies, so it is 10 to 13, whereas under Deputy Maçon we are going for a slightly wider range of 5 to 7. We are not achieving equality of voting. I think the other point that has not been addressed or has been referred to but does need to be thought about is if we go to super-constituencies and we do not have the role of Senator - and I do not agree with the ones who say that the role of Senator is dead - what it will mean and it does tend to mean is that the people who stand for Senator are likely to be the ones that the Assembly, under the present circumstances, would vote or select from to appoint a Chief Minister. If that is no longer the case and all we have is super-constituencies, on the numbers in appendix 1 of Deputy Maçon something like, of the total population if they all voted, 97,000 would not be able to vote for the Chief Minister. In other words, using that as an example, if the candidate came out of Grouville, St. Martins with 9,500 electorates, they would be the ones who would influence the vote for Chief Minister and no one else would. I think that, to date, typifies the role of Senator under our present system. I think there is merit in doing some small changes in what we have got. I believe that P.P.C. are working on the other recommendations that came out of the observer's report, but for me I am afraid, although I obviously like Deputy Maçon hugely, I think he has been brave in what he has been bringing in here, I do not think it achieves what we are trying to achieve. On that basis, I will not be supporting it. I do think we would be castigated if we removed the Constables or the Senators without a referendum. On that basis, as I said, this does attempt to remove the Senators and the Constables and I will not be supporting it.

6.2.11 Deputy J.A. Martin:

Firstly, I would like to address a point that the Chief Minister, Senator Le Fondré, made about this is not the time. Well, I can understand where he is coming from but you heard the answers to the questions from the chair of P.P.C. yesterday. This is the day we have to make a decision. It is 1st December, we are just under 18 months away from an election and, as he said, we must have some ... if we are going to have changes in place by the middle of next year and the regulations changing the law. It is never going to be a good time, except that we have been debating this for 20 years. Yes, today it is 20 years ago that the Clothier report landed on our doorsteps and I had been in the Assembly for 6 months. By the January or February there was a divide right down the middle of the Assembly, some who thought the man was mad, all the people who were advising him were probably bonkers, and the rest thought it was the best thing since sliced bread, but they all went on down the ministerial path. I keep saying, along with some other Back-Benchers: “What about the reforms to the way we elect people?” “We will sort that out tomorrow, we will sort that out tomorrow.” Well, history tells us where we are. I have listened to the Constables who talk to their parishioners and listen to what they want. I want to know from some of the country Constables: do you speak to

anyone other than who attends the Parish Hall or the Parish church? I know there are lots of people who live in your Parishes who are not happy and they never attend those 2 places. Why would they? They are very busy, they are getting on with their lives. The Parish system is something that goes on over there. When you ask them about voting, they do not really understand it because it is complicated. I am disappointed people think Deputy Maçon has not even got out of the starting gates, because I do like to back a winning horse. I think he is not being brave. He has said super-constituencies with 6; you could elect the Chief Minister with that if someone puts their name forward. It is all about being upfront. St. Saviour District 4 has got 7. This is all what we need to do. We have got ourselves in this pickle about the Island-wide mandate and I could even go back and blame the then Deputy of St. Lawrence who insisted we had a one-day election, and that was Deputy Le Fondré. So when we had one-day elections there was no stepping back from, yes, you could put yourself forward and be a Senator, which was then 6 years, so it was a good step up. It gave you time to do the job you wanted in Government or even in Scrutiny, but we cannot do that now. To me it is getting less and less and less why people step up. The majority of Senators have already been Senators. We did have, I think, 2 - I will be wrong, 3 - Deputies stood up last time and they did have a name. Again, is that fair? They have got a name so people know who they are and you are going round into massive ... you get 2 minutes to speak. I think there were 20 or 21 people for 8 seats, absolutely carnage, I found, and I attended a lot of the hustings. But we need to make some reforms. The public I speak to do want this and I listened and I thought it was a brilliant speech by my Constable, Simon Crowcroft, and he is right. We cannot keep ignoring that we are so out of kilter with different conventions but we are just going to get on with it. We do not like it, we do not want to do this. I really hope today we get some change. I do not really want to speak on every debate. We are going to come to the Constable of St. Clement's amendment, which is basically Clothier, and what are we going to come on following that, that we do not want that because it keeps Parishes but it does get rid of the Constables and it goes rid of the Island-wide mandate. Again, we have been using the half of Clothier that everyone went gung-ho for and that was ministerial government, dividing this Assembly as it is - whether that is right or not - but we have never, ever addressed what the rest of Clothier is about: electoral reform. The biggest argument at the time is nobody wanted to be called an M.S.J. (Member of the States of Jersey). There were amendments coming left and right. You could be a Constable, you had to stand as a Deputy and then 3 days later you stand as a Constable. It was all so messy and nothing ever got through and I hope we are not here again today. I think I will leave it there. I fully support Deputy Maçon and I think his amendment and the work he has put into it is fair. It divides up the districts well. It gives everybody equal say and, as my Constable said, it does give more representation to the massive amount of population we have in St. Helier, St. Saviour and St. Clement. I am sorry, but we carry on putting people in these Parishes and they need proper representation. I will leave it there. As I say, I do not really want to speak on too many of the amendments. I absolutely disagree that any of this should go to a referendum. We have been there, done it, and when would you do it? People would want to put it off until the next election, so there is definitely no change for 6 years. I am very sorry. I will leave it. I am fully supportive and thank Deputy Maçon for this really clear alternative.

6.2.12 Constable K. Shenton-Stone of St. Martin:

I just felt that I should stand up for my Parish of St. Martin. We are a country Parish. However, I would like to reassure Deputy Martin that the constituents and parishioners in St. Martin are a very intelligent bunch of people. They do understand the voting system and I would also like to reassure all that I do speak to people outside of the church and the public hall from all walks of life. I am not living in a bubble and none of my fellow Constables live in bubbles. We work really hard. We represent our constituents and our parishioners, just as Deputies do. As everybody in this Assembly will know, I have very wide-ranging views, as do my fellow Connétables, and I just wish that we get rid of this silly idea of what Constables are like or why country Parishes may be not bright enough to understand how they vote. Yes, they do, so I just wanted to address that. I would also like to

thank Deputy Maçon for bringing his proposition. I realise what a lot of work there is in bringing propositions forward. I will not be voting for this but that is not to say that I will not be voting for change. That is all I want to say.

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

I wanted to reiterate and support my fellow Constable of St. Martin. What she said is absolutely correct. As a Constable, I speak to people in all walks of life, not just those who come to the Parish Hall or to the church. I speak to them in so many different forums and I also try to get out and about as much as I can within the Parish. People come up to me in the shops, either at Sion or up at St. John, just walking in the roads in the Parish, and especially when I walk the Parish roads, which I do sometimes to check Parish roads and their condition. We have many walkers in the Parish and I communicate throughout. I am sorry to say that the message I have received in the last 2 or 3 weeks has been extremely negative: "We have a massive crisis at the moment, why are we debating this, this is not the time." They have been fairly strongly condemning about it. The other issue that has come very much to the fore is that whatever happens we must have a referendum because at the end of the day it is the people of the Island who should decide. We have heard the chairman of P.P.C. say that changes are what the public wants. Well, if that is the case then there is no fear at all of going to a referendum and letting that be endorsed by the public.

6.2.14 Deputy R. Labey:

I think the point that Deputy Martin was trying to make in relation to the speech by the Constable of St. Mary is this, if I can assist. I wondered too who it is that the Constable of St. Mary is speaking to and continually telling him that they do not like something and do not want something and he is here to represent that point of view. If you look at how St. Mary voted in the referendum, 481 people in St. Mary voted in the 2013 referendum. Of those, 316 voted for option A or B. It was only 165 who voted for option C, which was the status quo, and of those 48 then voted for option B and 2, I think, for option A. The point I am trying to make is that 316 people out of the 481 who voted for change for larger constituencies of the same size - and in those days it was 6, not the 9 that I am proposing and that Deputy Maçon is proposing in this proposition - deserve representation too from their Connétable. It is fine to express his views but he cannot possibly say he is representing everyone in St. Mary and saying that they do not want reform because the figures show that the majority of them absolutely did vote for reform: 316 out of 418 in the last referendum, and then 48 of those expressed a second opinion. If you look at those figures for the referendum, I think it is worth checking up on them again. As I say, that was a very, very strong message and I just feel that those people in St. Mary need representation too. I thank Deputy Maçon for his amendment. Obviously, as P.P.C. say in their comments to this, this respects all the fundamental principles that should apply to a properly functioning, modern democracy.

[12:15]

As a matter of fact, Jersey is not quite unique in having a 3-tier system. Of the 213 nation states that I have looked through, there are 2 that have a 3-tier system in their Parliament: Jersey and Venezuela. Venezuela is not particularly great company to keep. It is an authoritarian regime. They do have state representatives and country representatives and then local representatives, or something like that, but of course it is slightly immaterial as Venezuela is run by presidential decree, effectively a dictatorship. This, of course, is the ideal that P.P.C. strove for before. I have to show some solidarity with Deputy Maçon. I am pleased to do so and I thank him. I thank everybody who has put in amendments for their time. Senator Le Fondré once again was the first one to mention it this time, closely followed by the Constable of St. John, that here we are talking about ourselves. If you are talking about yourself in this debate, you are on the wrong track. This proposition and this amendment is about the voter, it is about the electorate. It is not about us and our self-preservation and the particular things we love and what we want to hold on to in our little empires. It is about the

voter, the electorate and giving them fair votes, a vote of equal weight and power regardless of where they live. So if Senator Le Fondré feels that we are talking about ourselves, we are very much on the wrong track because at the forefront of this is the electorate.

6.2.15 Deputy S.G. Luce of St. Martin:

I am only going to talk once in all these various amendments, so I would like to speak now if I can. I would like to start by agreeing with many, including Senator Mézec, who used the phrase it pains him, and it pains me too because I, like him, find a compromise, I hope, today that can take us forward. The most important thing I want to say is that today surely we have to make some change and today surely we have to make some progress. Last year in P.126 we agreed that we would give fair representation and equality in voting weight and power across the whole population and that that should be the basis for any reform of the composition and election of the States. I really, really hope today that we can do that or go at least and take the first step on that route. There are lots of amendments, Members will know that and, like me, they will have studied them all, but I just ended up at the end of the day doing a process of elimination. I started by saying something that I have always said. I am a huge believer in the Parish system and I have always said this, if there has to be one parochial representative in the Assembly I believe it should be the Constable. I am not worried about voting myself out of a seat if it makes sure that my Constable keeps their place in the Assembly. So I eliminate this amendment that we are currently debating and also amendment 2. I do not think there should be any additional Members of the Assembly and I eliminate amendment 7. I like the idea of 9 super-constituencies and not 6, so I eliminate amendment 5, which leaves me with the proposition, the unamended proposition or amendment 6, and after much consideration my vote in favour of progress today is to vote with the proposition as proposed by P.P.C. I will vote against the amendments but I will come back and hopefully vote in favour of an unamended proposition from P.P.C. and that is what I will be doing today.

6.2.16 Deputy K.F. Morel:

I would like to thank everyone who has spoken before. I want to speak quite quickly on just this amendment. In my ideal world, I do favour this amendment. I think that an Assembly of Members who hold the same status, so to speak, is appropriate and I absolutely agree with Deputy Maçon's desire to gain voter equity throughout the Island, there is no doubt. But I fall short and will not be able to support this amendment on the basis that to remove the Constables from the States without having any framework or plan in place as to how you will maintain the importance of Parishes in Jersey life I believe would be irresponsible. It was the same reason that I was unable to vote last year when electoral reform was brought forward. In my view, there is a way for the Parishes to operate extremely well and have an incredibly vital role in Jersey life without Constables being in the States, but that would be created through a mechanism to enable funding from central government to the States via, for instance, incentivising the building of affordable homes in a Parish. If a Parish was to choose to, let us say, have 20 affordable homes built within the Parish, there should be a financial incentive for that Parish to do so. Similarly, with the Jersey Care Model, if money were to be paid by Government to a Parish that chose to have, let us say, diabetes clinics held within the Parish, I believe that would provide the Constable of that Parish with greater freedom in their budget to be able to really operate within the Parish as a form of mayor and to build and develop the communities within their own Parish. But without that sort of plan or scheme in place for the Parishes, I believe to essentially eject the Constables from the States Assembly would be to fundamentally weaken the Parish system. In my mind, that is not acceptable. I asked the last time we had electoral reform before us that P.P.C., if they really want to move to a Chamber where the Constables do not automatically sit, that they should then bring forward electoral reform proposals in conjunction with a proposition for a new role for the Parishes, which I believe can invigorate the Parishes and really make them the basis of the Island community, more so than they are now. But without that in place, I find it impossible to vote for an amendment that does that without a plan in place, and so it is

unfortunate that I will not be able to support this amendment. I can see where it is going but only half the job has been done so far. The amendment is only half the job and I will not vote for something that I think would fundamentally weaken the Parishes because the whole piece of work has not been done.

The Bailiff:

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

6.2.17 Deputy J.M. Maçon:

I thank those Members who have contributed to the debate today. I appreciate that what I am asking is a very difficult decision for some Members. It is interesting, some of the contributions, and I agree with the Chief Minister. When we look at the glorified opinion poll, which was the A, B, C referendum, it was not a referendum because you need a binary option, yes or no, in or out. The importance of saying: “No, I do not want this” is incredibly important from a democratic point of view and of course that was not there. Of course, we had a poor turnout at the time and I did try to bring a minimum turnout threshold for that referendum at the time, and after that I tried to bring forward a Clothier recommendation to the States as well, but of course the States went for another question at that time. So I have tried time and again to bring in proper processes to this whole electoral reform area and I might just add, after being highly critical of the referendum at the time, I then topped the poll in my district following. For Members who are trying to use the glorified opinion poll as a reason to make a decision or not make a decision, that is down to them. Ultimately, we are elected to make decisions here. We are returned by the public to the States Assembly to make decisions on their behalf. We are not there to simply refer decisions back to them when a decision is difficult and we cannot make up our minds. We are there to make those decisions and be held to account for them. It was very interesting to hear from the Constable of St. Mary who is saying people are happy with the present system when we have about a 60 per cent abstention rate from the general election and, of course, that is just of registered voters, never mind those ones who did not bother to register or did not want to register for the system. We have had poll after poll. We know that the public are not happy with the current system and things do need to change, but of course the question is: what change? As other Members have said, of course whenever you bring these types of debates, there is always the argument that now is not the right time. Of course, those Members never turn round and say when is the right time, but as we have said, to follow best practice you need to have the system and the laws in place a year before the next election. So any decision that is made needs to be made now to ensure that the law drafting is done and that the processes, along with the Public Elections Law that goes with it, are all in place a year before the election. That means we need a few more months before that to get it passed by the Assembly. Now is exactly the right time to be having these decisions. I thank the Constable of St. Helier for breaking ranks and saying we need to do what is in the best interests of parishioners across the Island and have a fairer system. As he said, effectively, your ability to be represented in the States Assembly should not be greater or worse based on your postcode. I put it back to Members, as I said before, either you believe in a fair system, in a system of equality where Islanders have the same amount of representation on this Island or you do not. I, for one, do. I propose the amendment and ask for the *appel*.

The Bailiff:

Members are already indicating a vote in the chat. Please do not do so until I have opened the voting and I will not count anything above the link that we have just placed in, so Members will need to do that again. I just mention that clearly in accordance with Standing Order 89A, in order for this to be passed would need the majority of elected Members to pass it as opposed to a simple majority of those present. I ask the Greffier to post a link and I open the voting and if Members wish to vote in the chat they can now do so. If Members have had the opportunity of casting their votes, I ask the

Greffier to close the voting. The amendment has been defeated, : 17 votes *pour*, 29 votes *contre*, no abstentions in the link and a further vote *pour* noted in the chat.

POUR: 18		CONTRE: 29		ABSTAIN: 0
Senator T.A. Vallois		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Helier		Senator S.C. Ferguson		
Connétable of St. Lawrence		Senator J.A.N. Le Fondré		
Deputy J.A. Martin (H)		Senator K.L. Moore		
Deputy G.P. Southern (H)		Senator S.W. Pallett		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy M.R. Higgins (H)		Connétable of St. Saviour		
Deputy J.M. Maçon (S)		Connétable of St. Brelade		
		Connétable of Grouville		
Deputy L.M.C. Doublet (S)		Connétable of St. John		
Deputy R. Labey (H)		Connétable of Trinity		
Deputy S.M. Wickenden (H)		Connétable of St. Peter		
Deputy J.H. Young (B)		Connétable of St. Mary		
Deputy S.M. Ahier (H)		Connétable of St. Ouen		
Deputy J.H. Perchard (S)		Connétable of St. Martin		
Deputy R.J. Ward (H)		Deputy of Grouville		
Deputy C.S. Alves (H)		Deputy K.C. Lewis (S)		
Deputy I. Gardiner (H)		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy G.J. Truscott (B)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy K.G. Pamplin (S)		

[12:30]

The Deputy Greffier of the States:

Those voting *pour*: Senator Vallois, Deputy Doublet, Deputy Perchard, Deputy Ward, Deputy Alves and Deputy Wickenden, Senator Mézec, Deputy Tadier, Deputy Martin, the Constable of St. Helier, Deputy Ahier, Deputy Young, the Connétable of St. Lawrence, Deputy Gardiner, Deputy Higgins, Maçon and Labey, and Deputy Southern voted *pour* in the chat. Those voting *contre*: Deputy Guida, Senator Le Fondré, Deputy of St. Martin, the Constable of Grouville, the Constable of St. Saviour, Senator Moore, the Constable of St. Clement, Deputy Morel, Senator Gorst, Deputy of Grouville, Deputy Pamplin, Deputy Le Hegarat, the Constable of St. Ouen, Senator Ferguson, Deputy Lewis, the Deputy of St. Ouen, Deputy Truscott, the Deputy of St. Peter, Senator Pallett, the Constable of St. Martin, Deputy Pinel, the Constable of St. Brelade, Senator Farnham, the Constable of Trinity, the Deputy of Trinity, the Constable of St. Mary, the Constable of St. Peter, the Constable of St. John and the Deputy of St. John.

The Bailiff:

We are technically 10 minutes before the normal time for breaking, but is the adjournment proposed or do Members wish to continue? No one is proposing the adjournment, therefore ...

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Does any Member wish to speak on it? If no Member wishes to speak I will assume that is taken on a standing vote.

Deputy M. Tadier:

I think time is precious and we too routinely decide to leave a bit early for lunch. Can I ask if the next item to be proposed, whether the proposer thinks they can do it in 10 minutes and that will influence how I vote on this?

The Bailiff:

It is a matter for the Connétable of St. Clement if he wishes to answer that. It is entirely a matter for him.

The Connétable of St. Clement:

I have some notes, Sir. I have not timed them but I would imagine it would be in that sort of region, say 10, 15 perhaps. I do not know.

Senator K.L. Moore:

I briefly would just like to say if we are to adjourn early then we should reconvene at an earlier time if at all possible, please, but I would be pleased to hear the Constable of St. Clement make his opening speech.

The Bailiff:

I do not think we can reconvene early other than on a proposition to do so and the current proposition being considered is the adjournment. This is probably a question that we should put to the vote immediately in order to clarify but if anyone else feels a pressing need to speak, please do so. Does the person who proposed the adjournment - I am afraid I cannot recall who - Deputy Higgins, do you want to respond?

Deputy M.R. Higgins:

No. I think just put it to the vote, Sir.

The Bailiff:

We will put it to the vote. I ask the Greffier to place a link in the chat. I open the voting. A vote *pour* is to adjourn now until 2.15 p.m., a vote *contre* is to continue for the next 10 minutes or so or until the Assembly wishes to propose the adjournment again. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition to adjourn is adopted: 27 votes *pour*, 18 votes *contre* and I have one further vote *contre* in the chat.

POUR: 27		CONTRE: 19		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator S.C. Ferguson		Senator T.A. Vallois		
Senator S.W. Pallett		Senator K.L. Moore		
Connétable of St. Helier		Senator S.Y. Mézec		
Connétable of St. Saviour		Connétable of St. Clement		
Connétable of St. Brelade		Connétable of St. Lawrence		
Connétable of Grouville		Connétable of St. John		
Connétable of Trinity		Connétable of St. Ouen		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Mary		Deputy M. Tadier (B)		
Connétable of St. Martin		Deputy of St. Martin		

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

Accordingly, the Assembly stands adjourned until 2.15 p.m.

[12:34]

LUNCHEON ADJOURNMENT

[14:15]

6.3 Composition and Election of the States: Proposed Changes (P.139/2020) - second amendment (P.139/2020 Amd.(2))

The Bailiff:

The next item of public business is the amendment that has been lodged by the Connétable of St. Clement and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 1, paragraph 1, delete paragraph (a) and substitute with the following paragraph - (a) to agree that it should establish an Assembly of 49 Members, elected from 14 Parish districts, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows: St. Helier South 4 representatives, St. Helier Central 5 representatives, St. Helier North 5 representatives, St. Saviour 6 representatives, St. Clement 4 representatives, St. Brelade 5 representatives, St. Mary 2 representatives, St. John 2 representatives, Grouville 3 representatives, St. Martin 2 representatives, Trinity 2 representatives, St. Lawrence 3 representatives, St. Peter 3 representatives and St. Ouen 3 representatives.

6.3.1 The Connétable of St. Clement:

You will be pleased to see, if you are looking at your screen, that I am back from Miami Beach and in the Chamber. I was thinking earlier that this gives me an opportunity to show my environmental credentials because when I look back over various speeches I have made and kept over the last 20 years I came across one 11 years ago when I brought a very similar amendment to a very similar proposition, so this speech, with a few amendments, is almost totally recycled from 11 years ago. But the amendment, as the Privileges and Procedures Committee has noted, is lifted directly from the Clothier Review which, as other Members have pointed out, is some 20 years old today, but that review is as valid today as it was then. Now the only difference in my amendment to the Clothier proposal is Clothier proposed 42 or 44 Members of this Assembly. I propose we remain at 49, not because I think Clothier was wrong in this aspect - I do not think he was - but some Members have indicated in speeches this morning that we need at least 49 to cope with our current workload. I do not believe that to be the case but that will be a fight for another day. I think it was Senator Le Fondré who said are many of us sitting around here not doing anything? The answer to that of course is not

very many but what we have got to ask ourselves is: are we all doing something valuable and worthwhile? But anyway I think going back to the numbers, when we look back at the polls and consultations that have taken place, there have been 2 themes. One of them I think you could almost say, almost without exception, that most Islanders who responded to polls and consultations believe that we do have too many States Members but, as I say, that will be a debate for another day. So looking at all those, if you read and re-read these polls, the informal ones and the formal ones, one can come up with an argument that supports any position: keeping the Island mandate, keeping the Constables in the States, removing the Constables from the States, keeping Deputies, removing Deputies, any mix you would want you can find a consultation or poll which justifies that position. But there is one theme that recurs and really cannot be refuted, and that is the Island wants a general election. Now some will say we have that now; I say we are nowhere near that because a general election means all Members being elected, not only on the same day, which we have, not only for the same term, which we have, we have achieved that, but also elected on the same basis, something which we have not achieved and something which is not offered by the Privileges and Procedures Committee and not any other amendment except for the one which has already been lost. This, in my view, is the first failure of the committee's proposition which my amendment seeks to put right. So, if we are to have a general election, an election where the people's vote can make a real difference and have a real impact, what sort of Member can we have? We, at least, should recognise that we cannot have a Chamber entirely existing of Members elected on an Island-wide mandate or elected on the same day. The logistics make that simply impossible although some will say Guernsey has proved that it is possible. I say that the jury is still very much out on the Guernsey experiment. We cannot have a Chamber consisting only of Constables, there simply are not enough Parishes. So whatever remains must be the answer, a Chamber consisting of 49 Deputies. Some commentators have described my amendment as wanting to remove the Constables from the States. Nothing could be further from the truth. If adopted, my amendment will enhance the democratic legitimacy of Constables, provide the candidates for Constable the choice of whether or not they wish to offer themselves for election to the States as well and, most importantly, provide the electorate with the choice of whether or not they wish their Constable to be in the States and offer them undoubtedly a greater choice of candidate. This I think is very important. It is not essential by any stretch of the imagination for a Constable to be in the States to carry out his parochial duties fully and effectively. He or she, of course, needs access to Ministers and to departmental officials and that they will continue to have. I am aware, as I am sure we are all aware, of many people throughout the Island who would like to stand for Constable, who would probably be a very good Constable but they will not so long as they have to be a States Member also and what we are doing is depriving Parishes of these people's potential involvement. There are others who have stood for election as Constable, not necessarily have been successful, simply because they want a seat in the States; that too is most unsatisfactory. But having said that, the role of Constable and Deputy are not mutually exclusive and therefore any candidate for Constable who has the inclination and the time should and must be allowed to stand for the States, that is democratically right; firstly the choice of the candidate and then the final decision of the electorate. No one could then argue about the validity of a Constable being a States Member. He or she will have a full democratic validity and mandate and be expected to play a full part in the affairs and business of this Assembly. But for all these good things to happen, we must forget about arbitrary so-called super-constituencies which have no tradition or historic validity where it has been cobbled together by expediency and mathematical exactitude and concentrates a general election on constituencies. What we must do is concentrate our general election on constituencies based on historic Parish boundaries. As the Clothier review commented, they, the Constables, would then be truly elected by their parishioners to represent them in the States. But even more importantly, the Parish are the very bases of our political life, our social life, our cultural life and we must keep it that way and not disenfranchise smaller or less populated Parishes on the altar of expediency. As I say in my report under the large districts proposal, the link with the Parishes would be lost and it is feasible that the smaller Parishes would effectively be

disenfranchised. For example, St. Mary could support overwhelmingly one candidate who might not appeal to the voters of St. Peter and St. Ouen. Equally, the voters of Grouville could override the wishes of those from St. Martin, and St. John and Trinity would clearly be the political second fiddle to St. Lawrence. The political power base would be dramatically shifted to the more populous Parish at the expense of those with fewer voters. Now some might see that as right and proper but if one of the objectives of this proposal is to improve voter turnout, I fear we could see exactly the opposite as more of the electorate see their votes counting for nothing. The Deputies are the ones in the main to whom the people turn when they need advice, guidance and support. To whom will the voters of St. Mary turn when all of their Deputies are in St. Peter and St. Ouen, and so on, with all the potentially disenfranchised Parishes? We do not live in large districts, we live in our Parishes, and my amendment means that each Parish will have a minimum of 2 Members returned to this place, one of whom, if he wishes, or she wishes, is likely to be the Constable if he or she decides to stand for election. Some will argue that the parochial system is safeguarded by the substantive proposition due to the fact that each Parish Constable will remain in the States and will alone represent their parishioners and their Parish interests. I say be wary of this because I think as sure as eggs is eggs the States elected in 2022 will remove the Constables because they will be an anomaly and they do not suit the mathematical exactitude, there will be no Parish representation and we will all live in super-constituencies and much of our history, tradition and culture will be swept away. Now I respect and understand what the chairman of P.P.C. said this morning, that there is no intention of doing that, but of course we do not know who is going to be sitting in this Assembly after 2022, let alone who is going to be chairman of the Privileges and Procedures Committee. But I can see the way it is working, pick off the Senators now in 2020 and in 4 years' time it will be the turn of the Constables. I do urge Members, more in hope, I have to say, than expectation, to support this amendment. It does provide what is taken for granted in most modern democracies, a true general election with all Members being elected on the same day for the same length of time and on the same basis and it safeguards our culture but it also maintains our traditions, not just the Parish boundaries, but also retains the Constables in the States if it is the wish of each individual to stand for that office and, more importantly, if the electorate of his or her Parish wish him or her to do both jobs. I propose the amendment.

The Bailiff:

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

6.3.2 The Connétable of St. Martin:

I agree with the Constable that the Clothier is a good read but 20 years on in an ever-changing world, that is all it is, a good read. This proposition's report is wrong, Clothier really does not stand the test of time and does not reflect a number of our contemporary experiences. At the beginning of the section "The Connétables in the States" begins by noting that the Constable often begins his public service as a policeman. For somebody who has obtained the position of Constable with no membership of the Honorary Police, this certainly does not hold true for me and it does not stand true for many of my fellow Constables. To go further, I would challenge anyone in this Assembly to say that the current group of Constables are anything at all like the ones who spoke to Clothier. Further, Clothier theorises that, had the recommended reforms been adopted wholesale, if the Constables were to remain, they would, and I quote: "... have a heavier workload in the States than they do at present and might well have difficulty discharging both offices satisfactorily." Can the Constable of St. Clement please look us in the eyes and tell us that this is the case? Indeed, as Minister for Home Affairs, does he have difficulty in discharging his duties of Constable and Minister? If so, why did he take on the role in the Council of Ministers in the first place? Which of us as Constables struggle with the effective discharging of our duties? Please name them. Perhaps we Constables have institutionalised too much of our knowledge on public engagement but if we developed the systems needed to fix this problem we can successfully rejuvenate the image of this role and get those from

outside of the traditional forms of sanction to run for it. We need more women in this role and greater diversity and by developing the public understanding of what a Constable really does and how they engage both for the Parish and with this Assembly we can give a clear demonstration of not just why it is good to have Constables in the States but why they enhance it. Finally, if the 2013 referendum requires us to enact change, then let us not forget the 2014 referendum which rejected Clothier's recommendation that Constables should lose their automatic membership of the States with a margin of 62.45 per cent to 37 per cent. If we want to listen to how people spoke on the issue of representation, then we should not cherry-pick our reality.

[14:30]

I can only question the closing statement in the Constable's report that this would not diminish the Parishes importance in Island life. I would recommend that he re-reads his proposition in order to understand how he is mistaken. We have much better options before us today. Please let us reject this one and move on to something better.

6.3.3 Senator S.Y. Mézec:

I think this is my first opportunity in the Assembly to have a debate on the Clothier system like this. It is surprising how it has not really properly come to the Assembly, perhaps at all, or certainly not very many times in the 20 years since that report was published given that it was at the time, and today is, I think, still a very good report. I want to embarrass the proposer of this amendment by pointing out 2 things. Firstly, I was 9 years old when the Clothier report came out and, approaching my 30th birthday now, no progress really has been made in electoral reform in that time, which I think is an embarrassment for the Island. I did not read the Clothier report until I was 22 years old. I did so in the run-up to the 2013 referendum on electoral reform as that report was quoted quite a lot in the campaigns in that referendum. I have a very clear memory of a moment in that campaign where I was disappointed, disappointed because I had known that the Constable of St. Clement was a supporter of the Clothier system, to find when I picked up the *J.E.P.* one day there was a letter endorsing option B in the referendum, the option which most closely resembles P.P.C.'s unamended proposition today, a letter that was co-signed by 11 out of 12 of the Parish Constables, including Constable Norman of St. Clement, who, in 2013 backed option B which was what the P.P.C. proposition is based on today. He backed many of the things which he is now telling us are wrong for Jersey. He backed a system that produced super-constituencies that would combine Parishes for the purpose of electing Deputies and for no other purpose, only the purpose of electing Deputies and everything that goes with that. I think that his argument against that now really is spurious and this fanciful idea that in one of these districts, if you lived in St. Mary and it just so happened that your Deputies lived in another Parish in your district, St. John or St. Ouen or in whichever variation these Parishes are combined, that you are somehow disenfranchised. That is complete nonsense. The Parish system is not like a U.S.-style electoral college system where the winner takes it all or in the final result a Parish counts as a homogenous block. Every Parish across the whole Island has voters who hold a wide variety of different perspectives and who cast their votes in very different ways. There are no Parishes that obtain 100 per cent results in favour of one candidate versus another. You can look up previous election results to see many instances where elections in some of the smaller country Parishes where there is only one seat up for grabs where the results can sometimes be relatively close. When people are casting their vote for who will represent them in the States Assembly, they are presumably casting that vote on the basis of which candidate they think has the best policies, not the candidate who lives closest to them. That would be a ridiculous reason to vote for someone. You could have situations where you lived a few metres away from the border with another Parish and a candidate you like lives a few metres on the other side of that border who you agree with and like their policies and want to vote for, and the other candidate might live on the opposite end of the Parish to you. So this person, even though they are across the Parish boundary, lives closer to you. This idea that where they live somehow matters is utterly ridiculous and it is

even more ridiculous when you consider, even under the current system, there is no obligation for Deputies to live in the constituencies they represent and many of the current Deputies in this Assembly do not live in their districts, some do not even live in their Parish. When I was first elected as a Deputy I did not live in the Parish that I was representing but people vote for those candidates because they like what they stand for. Who in their right mind living in, say, St. Martin would vote for an inferior candidate because they also happen to live in St. Martin when there may be a much better candidate who happens to live in Grouville who you think, when it comes to the big issues facing the Island, is much more in line with your aspirations for the Island than the one who lives closer to you? So this idea that it will somehow disenfranchise people or weaken our Parish identity is ridiculous and I do not accept that argument, no matter how it is framed, but I accept it even less when P.P.C.'s proposition maintains the position of the Constables in the Assembly. If, having direct Parish representation is important for you, then you end up with the Constables in the Assembly to fulfil that role. That is undiminished. Constables saying that we have to have a proper general election where every Member is elected on an equal basis, I agree with that, I make no bones about that. I think that point fundamentally is right but here is the problem, this Assembly just is not going to vote for that. We had the opportunity earlier this year to adopt a well-thought-out proposition on electoral reform that would deliver that general election. It was rejected. Earlier today we have had an opportunity to debate an amendment that would have provided that general election. It has been rejected as well. I say to the Constable of St. Clement, he totally understandably believes that the Clothier system proposed 20 years ago is the best shot for Jersey to have a good electoral system, and I totally respect that view. I have a lot in common with the philosophy that leads him to that conclusion, but the problem is that I am afraid it is just not going to happen any time soon because it has been on the table for 20 years, it has not been adopted. There are other Members of the Assembly, and the one who spoke before me, the Constable of St. Martin, I think gave a good example of this, of a view which is I think probably held in the majority that goes against what the Constable of St. Clement is suggesting the roles for the Constables in the Assembly should be. So, even though he may in principle consider himself to be right by refusing to budge and by refusing to take a step towards those who you disagree with, we risk ending up with the worst of all worlds, which is the current system which is a mess, which was imposed on us by the U.K. Government in the 1940s, which provides no benefit in the way that Members are elected into this Assembly and then our jobs allocated to us within this. We then face the prospect of further decades of fighting over what sort of electoral reform we may have in future. So I would ask the Constable of St. Clement to do what he did in 2013 and be prepared to compromise and say: "Okay, my perfect option just is not feasible unfortunately at this time, even though I strongly believe in it" and that is fine but in the name of progress be prepared to compromise. That option exists today to protect Parish representation in the Assembly but by electing all the rest of the Members of this Assembly in a much fairer way that means people like me, who may be a purist in some sense in what I would like to see from electoral reform, we will have the wind taken out of our sails in this by having the opportunity to vote for a form of electoral reform that takes a huge step forward for the Island and finds points of compromise that hopefully more people can get around. After that is implemented we will not be at each other's throats anymore over this, constantly arguing, constantly talking about ourselves in this Assembly rather than the other issues: how much time could be saved, how much money could be saved as well. Hopefully at the end of it we can build up a bit more confidence of the public out there, many of whom voted in that 2013 referendum expecting their view to be upheld and it was not. We are still I think suffering the consequences in terms of confidence in our system since then. So I would say to the Constable of St. Clement, fair enough for having your point of principle on here but this bid is not going to succeed, but we do have an opportunity to make progress. I hope he will do what he did in 2013 and be on the side of positive, progressive change rather than risk being a block on all progress which does not serve our community's best interests and does not help move us forward.

6.3.4 Deputy M. Tadier:

I am going to speak to the merits or otherwise of this particular amendment. I am perhaps not so pessimistic about the chances of success of this amendment, and I think it has some merit, I have got my concerns about it which I would also speak to. First of all, I have to apologise, I was slightly late back in the virtual Assembly, I had to attend to some personal matters, so I missed the beginning part of the Constable's speech. So apologies for that and it means that I do not know if all the points I am going to be addressing necessarily have been raised. So if I do repeat anything the Constable said it is because I agree with him, if they are the same points, and there may be other points which are new. First of all, I was a little bit surprised by the Constable of St. Martin because Clothier and what the Constable is proposing today, which is effectively a version of Clothier with his own figures, is very pro-Parish. Clothier was designed around the Parishes because they saw the whole tradition and he probably saw, and the whole panel saw, that reform was not going to happen unless it took the Parishes along with it. It showed that, historically and currently also, deeply entrenched in the Jersey psyche to the point where it makes electoral reform difficult unless you do it in a sensitive and clever way. That is exactly what Clothier did, that is what they proposed. Now what you would do logically if you were starting with a blank piece of paper and if you were just an electoral commission coming in from wherever, from Whitehall, and you were doing things properly, and this is probably what they should have done after the Second World War, is that they should have said: "Okay, how many States Members do you want?" The answer might have come back "50" and so you just divide the Island up into 50 districts and you elect 50 Members in whatever system you want to, first past the post, alternative vote, whatever, that is what you do. Then you have a system which is great and then you can tweak the boundaries every so often as you go along but we have never done, it has never been done. It does not have to be single seats, incidentally, it could be that you divide the Island up into 3-seat constituencies, so 15 lots of 3, that is sensible. But what Clothier did, and it was half and half, remember, this was not an imposition coming in from the U.K. saying: "This is how you should do it" it was a panel full of esteemed Jersey people, as well as some from the U.K., and they were not radicals, either. These were people, some of them are still around, and some of them can be called conservatives. I think they are fair-minded in the sense that they wanted to see a system that worked and respected the traditions of the Parish. Now when people say: "Oh, but we have already had a referendum and the referendum said we wanted to keep Constables in the Assembly" what we do not know is why those voting in that referendum who voted yes, why they voted yes. It might well be that they wanted to keep some kind of Parish representation intact and therefore did not want to go for the super-constituency model but that they would be quite happy for their Constables not to have an automatic *ex officio* right in the Assembly if they knew that Parish representation was guaranteed. I know a lot of people like that.

[14:45]

Sometimes it is personal, sometimes they might think: "I prefer my current Constable not to be in the States." Sometimes it is more principled than that and it is saying: "I believe that the roles are separate. I believe when I cast my vote for Constable I am doing that to choose the father and mother of the Parish and the head of the municipality because I want somebody in the Parish who is going to, for example, keep the rates down, or, for example, give us good value for the rates and provide municipal services, local services that are well-run. But I do not want that person in the States, and even if I do want that person in the States, at least give me the choice. I want to know whether that person wants to be in the States as well as running the Parish." The person might be thinking that there are some very good candidates who only want to run the Parish who do not want to be in the States. Let them be Constables, they should not be forced to be States Members as well. Similarly, there are people who want to be in the States who do not want to be running the Parishes, they do not want to be Constables. Again, give those people the choice, give the electorate the choice. What Clothier does, the genius of it, is it says you do not have to make that choice anymore. You do not have to have a gun to your head. You do not have to be dictated to about who your elected Constable in the States is just by virtue of the fact you want them to run your Parish; you can choose both roles.

If that person is consenting, and if the Parish is consenting, they can have that person doing both roles. Nothing wrong with that. Brilliant, it is really democratic and Clothier manages to square that circle. Now of course you are never going to get perfect distribution of seats if you always use the outline of the whole Parish for your wider constituency but you can do some really good things, you can get progress with that. So the larger Parishes you can divide up into smaller constituencies, and we will need help to do that in future to look at where the boundaries should be, whether you have single-seat constituencies or whether you have multi-seat constituencies, but those will be true Parish representatives and one of them might be a Constable. The Constable of St. Brelade who is elected to run the Parish might decide that he wants to run for one of the 5 seats that Constable Norman is proposing and he may well get elected, she may well get elected, but she might not and that is dependent on the Parish. Again, that has got to be really democratic, has it not? That is putting the power back into the hands of the people and it is giving the candidates themselves choices about which roles they want to do. Now the concern I have got, and I have sent a document around, is that Constable Norman has got his figures wrong. So it starts off okay, and I have shown the distribution; this is not personal, this is just mathematics. I would like to be supporting this wholeheartedly and I think the figures, as they currently stand, give me a bit of problem in doing that. He is okay with the first few: St. Brelade has been given 5, that is what it should have; St. Clement has been given 4, that is what it should have. Grouville, it becomes more difficult because the smaller Parishes you cannot divide easily up, they should really have 2.45 but you cannot really get 0.45 of a Deputy, so he has given them 3 instead of 2. That is not so bad, you have to go one way or the other. This is where it becomes a problem. So, St. Helier, because it is the biggest Parish, and it is not because it is a Parish, it is because that is where a third of the population live; 34 per cent of the population live in St. Helier. They should have, therefore, 34 per cent, or a third of the representation. They should have 17 seats under that system but they only get 14. In fact, they should have $16\frac{2}{3}$ so already we are seeing St. Helier as being disenfranchised again in terms of the number of the seats and the vote representation. But let us consider that and, again, I have highlighted some in red for those Members who are able to open the document. St. Saviour should have technically 6.86, they have been given 6, should be 7. So again St. Saviour is being cheated out of 0.86 of a Member, one Member. But for some reason, and this is what I cannot understand, sorry if the Constable has addressed this in the opening remarks, maybe he will do it in the closing remarks for my benefit, is that St. Ouen clearly should only have 2 Deputies. It has got 5 per cent of the population and it should have 2 Members. So St. Ouen should have 2 Members but it has got 3, so that is not right. The same with St. Mary, it should have one, it has got 2. Now I do not know if the Constable is doing that because he thinks every Parish should have at least 2 representatives. That may well be the case. I cannot really understand that but I can understand he might want to do that. So the figures have not been done properly. The question will of course come: "Why have I not put an amendment in?" It is a very good question, why have I not put an amendment in indeed? Maybe someone can answer that and maybe one day we will know why I did not or could not put an amendment in. But as we stand we have a choice here of choosing Constable Norman's proposal and I will tell you why I am going to take a punt on it: because I think it is good. I think it solves a lot of the issues of those who want Parish representation, who feel very strongly but also do not want to compromise on fairness and the other figures we can come back to at some point. There will need to be an electoral commission that looks at boundaries over time as new housing estates go up. It may well be that St. Mary's gets a big housing estate, gets a couple of high-rise flats and they can merit their 2 Deputies that they are given in Constable Norman's proposal. I am not going to be so much of a pedantic purist about the figures as to vote against this because I think 20 years after Clothier it is about time that we supported it. Senator Mézec said this is the first time he has sat in a Clothier debate. That is because I do not think we have ever debated Clothier properly, so credit to the Constable of St. Clement for putting this forward. Despite some of the figures which I am not too happy with, I will go with a good proposition rather than try to find the perfect proposition, which is the enemy of this good proposition.

6.3.5 Connétable R. Vibert of St. Peter:

The Constable of St. Clement has brought a proposition based on a 20 year-old document, a Clothier report. If we were a business we would be laughed at to consider a 20 year-old document as the way forward. As my colleague, the Constable of St. Martin, stated, it is a good read but the Island has moved on significantly in the last 20 years and without revision of the Clothier report it can no longer be relevant. I do wonder why, as chairman of P.P.C., in the last amendment the Constable did not bring this forward and also why, when some years ago he supported option B in the referendum similar to the proposition that P.P.C. have currently brought, he is not supporting that. Despite what he says, this will remove the Constables and Senators from the States and will lead to the demise of the Parish system. As a Constable, if I had brought this proposition, I would have been unable to reconcile this with having stood for election as a Constable and been elected by my parishioners giving me a seat into the States. I also have never met any individual who wished to be Constable that was unable to carry out their duties in the States. Would such a person be suitable as a Constable? With regard to super-constituencies, they will make the whole system fairer and promote voter equity. While the P.P.C. proposition is not perfect, it is a very effective compromise and I urge Members not to vote for this amendment.

6.3.6 Senator S.C. Ferguson:

I intend to speak once on the proposition and the various amendments. I had a little sort of wobble at the beginning but now I think I will just make my sole speech and leave it for people to think about because it seems to me that we are neglecting an important factor, efficiency and growth in population. The population since I was first elected in 2002 has risen from around about 80,000 or so to nearly 110,000. This suggests that the volume of work has risen substantially. We have the alternatives of substantially increasing the number of civil servants employed by the States, an increased number of Members of the States, or we improve the efficiency of States procedures. We appear currently to be subject to solution one: increase the number of civil servants. When I was first elected we had something in the order of 5,000 civil servants and today we have some 8,000 plus a number of employees uncounted in States wholly-owned subsidiaries. In other words, the number of the population has increased by 35 to 37 per cent while the number of civil servants appears to have increased by about 60 per cent, and no doubt Duncan Gibaut can check the detailed figures for me. Even allowing for increased regulatory requirements, this seems excessive. It would suggest that there is some imbalance somewhere, since at the same time the number of States Members has fallen by 8 per cent and people are suggesting we reduce them even more which also suggests that we are making a real pig's ear of reform. There are 5 of us who sat in the States under the committee system: Deputy Martin, Deputy Southern, I think Constable Crowcroft, Constable Norman and myself ...

Senator L.J. Farnham:

Senator Farnham too.

Senator S.C. Ferguson:

Yes, I am sorry, Senator Farnham, how could I forget you? In retrospect, there were some much better aspects of the committee system. There were some 4 members plus the president, 5 States Members, plus one or occasionally 2 civil servants. In other words, the policy-makers were in control, something which does not seem to exist now. We have Ministers complaining that civil servants do not do what they are asked to do or the aforesaid civil servants changing the actions. You saw that this week with the answer to my written question. The Treasury had been asked to make a start with negotiations with mail-order companies regarding V.A.T. (Value Added Tax) and G.S.T. (Goods and Services Tax) and all I got was a list of excuses. I am sorry, it is not good enough. The U.K. Treasury is well on with these required changes and is due to get substantial sums of money into the Treasury via the tax and some indirect taxes next year. As far as I am concerned, get in there

and be Ministers, do not blame everyone else. Stand up and be counted and take up the mantle of Priti Patel, who I understand was getting frustrated with civil servants not following her orders. In committee days we used to each sit on a couple of committees so everyone had a good idea of who was doing what and to whom. There was no complaint to the same extent about communication, the jungle drums beat hard around the lunch table. Added to this, the jungle drums were pretty good during the light lunch at the Members' room where everybody sat next to somebody different every day and we had a good gossip because nearly everybody was there. When I was taking S-level exams, the instruction said: "Length in an answer is not in itself a virtue."

[15:00]

We need an education in letter writing for business for civil servants and also report writing; 170-page memos to States Members on a Scrutiny Panel is rubbish. Try instructing them in Ernest Gowers who was in plain English or else that book, *Eats, Shoots and Leaves*. In fact, it could probably do with a bit of an education in that for both Ministers and civil servants. You would have your head cut off in business, you need to be able to condense your report in a 2-page summary plus appendices for significant factors. We need to have an instruction course in Jersey matters for U.K. immigrant civil servants. I am sorry ...

The Bailiff:

Senator, I do hesitate to interrupt you but it is difficult for me to see immediately the relevance of this recent part of your speech to the proposition or the amendment of the Connétable of St. Clement.

Senator S.C. Ferguson:

As I said at the beginning, I was going to have a swipe everywhere, if you do not mind, and then I will shut up ...

The Bailiff:

I am afraid, Senator, yes, I have to mind. It is my job to mind that you do not have a swipe everywhere. A Member's speech must be relevant to the matter under debate.

Senator S.C. Ferguson:

Well it is to the matter under debate because we are talking in effect of changing the number of people in the States and how they are allocated. I am saying that the biggest problem we have is the fact that the whole thing seems to be a pig's ear because we really should be looking at the way the States runs properly rather than just playing with the numbers.

The Bailiff:

I still do, I am afraid, fail to see that that is directly relevant or even tangentially relevant to the way Members are elected into the Assembly. All I would do at this point, Senator, is to say that obviously a Member's speech must be relevant to the matter of debate and I would be grateful if you would keep that in mind.

Senator S.C. Ferguson:

All right, Sir. I was just about to say, it appears to be a general moan about the ministerial skills of those designated as Ministers and the operational skills of civil servants. But we are not doing what we should be doing, whether we are basically Ministers or civil servants. We are just ignoring States decisions, I have got 3 that have happened recently, P.123/2019, P.86/2020 and P.56/2020. I am saying that it is all right going on about the numbers of people and how they are allocated around the Island, which is what in effect we are doing, but the whole thing is underpinned by the inefficiency of the current system. The civil servants appear to consider us unimportant and our Ministers do not keep track of those decisions relevant to them. In other words, I see nothing in the proposed rearranging of the deck chairs on the Titanic that has improved the running of the States. It was more

efficient under the committee system. Let us get our system running efficiently and people will be more supportive for other changes. I shall not speak again, you will be glad to hear. Let us ...

The Bailiff:

Thank you very much ... sorry, Senator, have you finished?

Senator S.C. Ferguson:

I was just going to say, let us stop hawking around with this and get a properly-running States before we start ... after the pandemic, when we have had a little more time to think. I know we have had 20 years but we seem to be concentrating on numbers and allocation and we are not taking any notice of the imbalance of the operations of the States and the number of people involved in each. I say leave it alone and come back after the pandemic.

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

The previous speaker has already reminded all Members about how old I am and how long I have been here. But Constable Norman, myself and Senator Farnham have crossed swords on occasion over exactly this issue - it feels like it anyway - it may have been Senator Norman who proposed something very like this. I had a look at these figures and a look at the overall distribution, and I am taken back down memory lane, and it can be nothing more than nostalgia that makes me say all I do ...

The Bailiff:

Deputy, I am afraid that you are fading in and out.

Deputy G.P. Southern:

I shall try and speak ...

The Bailiff:

Yes, if perhaps you could speak ... I do not know the arrangements you have where you are but if you could speak directly into the microphone perhaps, if you are not already. I think my intervention has been unhelpful, Deputy, because I cannot hear you at all now. It may be you have a problem with the connection, Deputy. If you can hear us, we cannot hear you. What I propose to do is invite anyone else if they wish to speak, and then if other people wish to speak we will see if we can come back to Deputy Southern later because clearly he has a technical difficulty. But if no one else wishes to speak, well, then we cannot delay the debate longer. **[Interruption]** Deputy Southern, I will call on you later when your connection is better, I hope. I am calling on Senator Farnham.

6.3.8 Senator L.J. Farnham:

Very briefly, I suppose it is probably an appropriate time just to remind Members about the value of the Connétable, the Parish in our Island system and in our culture, and some of the comments that Clothier made at the time which were set out in the Connétable's amendment. I want to start by saying though, I remember I was in the Assembly at the time of Clothier and participated in a number of the discussions following the report that led to the ministerial government, and we were particularly then also ... well, I say "concerned". We were questioning the beginning of the proposed anglicisation of our system. One thing that Jersey has is its uniqueness and that is something we should be proud of. We can use that uniqueness and we can still have a very, very strong electoral system with good representation. Of course, many Members, especially Members who interact with politicians, and Assembly and Parliament Members, and Senates around the world will know, that almost without fail, and it is not just other Members always being polite, how these people are impressed with our system when they come and visit us, when they learn a bit more about it. Of course, we all think the grass is greener on the other side and if we for one minute think that by creating equal districts with, or shall I just say to save a bit of time, a mirror image of a lot of other

countries with the initials M.S.J. after our names and we anglicise or we remove that uniqueness, we remove a lot of what makes Jersey special, we cut out the heart of the Island, the Parish system. If we exclude that from our Assembly, well, we must not lose sight of that. Do we want to just become bland, do we want to become like everybody else and, if so, why? Conventions, we are also a bit obsessed with conventions and, let us just be clear - and I sense Senator Gorst might wish to address this at some stage if he decides to speak - there is no great international pressure for us to change. The U.K., as I understand it, is extremely satisfied with the way the Channel Islands are governed and so there is no pressure there. There is no international pressure for us to change our electoral system or machinery of government, I think that is a bit of a red herring, so let us just remember what we have and why we have it. Moving on, if the Constables are excluded or cease to become *ex officio* Members of the States, which means the office of Constable will still be elected by the Parish but not automatically a Member of the States, I think that will diminish significantly the influence of the Parish. The access and influence of Members of this Assembly is an essential element of how our Island operates. Every Member knows if they want to speak to almost anybody in the Island, especially anybody in the public sector from the chief officer right throughout the service, they would pick up the phone and they get right through. They often get right through because they are an elected Member of this Assembly. I think the Parishes would lose that influence, the Constables would lose that influence in certain circumstances, and everybody could argue, no, they would not. But I remember the break, the sabbatical I took between 2005 and 2011 as a States Member, and I am afraid when I wanted to speak to somebody in authority I did not get straight through to them when I was not a States Member. The Constable of St. Clement has, I think, used some of the comments from Clothier but something that stood out for me was a comment that said: "We [I am presuming the panel] were impressed with the evidence of many of the Constables to the effect that they place their work in the Parishes at the head of their priorities." I think most Constables I have known and worked with, if not all of them, have placed all of their duties as the head of the Parish and a States Member, they have placed all their priorities equally and dealt with matters as they needed to with what needed to be prioritised at the time and did not necessarily distinguish between the 2 roles. But this says that they were left with the impression that some of them, the Constables, felt somewhat uncomfortable with their position in the States. So I invite any Constable who has not spoken at any time to let the Assembly know if they feel uncomfortable at being head of the Parish and a Member of this Assembly. I would doubt the answer to that would be yes. How would some parishioners feel, let us just say, for example, that the Constable of St. Clement was elected as the Constable of St. Clement but decided not to seek his place in the Assembly but the Constable of Grouville was elected to the Assembly and also elected to the Government and became a Minister or perhaps a Chief Minister? I think you would have a very different situation where one Constable could exercise enormous influence over another Constable. I am not sure that would be fair on the parishioners. That is my contribution to this part of the debate. Obviously, I will not be supporting the amendment.

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

I hope I am not going to have the same difficulties as Deputy Southern, who I feel sorry for. It is very difficult when you are participating verbatim and then to lose the connection and I hope we hear from him shortly.

[15:15]

The Bailiff:

We shall come back to him shortly.

The Connétable of St. Ouen:

Yes, I realise that, Sir, thank you. Yes, I just want to pick up on Senator Farnham's comments and respond to his challenge. I have to say, as a Constable, I feel that my role in the States is essential to my role as head of the Parish. He is entirely right. As a States Member, you have a degree of

influence which, obviously, you have to use with care and discretion but, nevertheless, when you have a Parish problem, and I had one yesterday, I was able to speak straight to the Minister for Infrastructure. While I know that he is a very conscientious Minister for Infrastructure, I am sure he was listening and the problem seems to have been resolved. Just a small illustration of the importance of being in the States and being able to make connections with other parts of government for the good of your parishioners. I have listened with interest to the debate about Constable Norman's proposition and I have to say I do disagree with him. It is not often I disagree with the Constable. Maybe this is not parliamentary but he is a wily old fox and what he says bears listening to with a great deal of care because normally he is right, but I do not think he is right in this instance. Being a Constable and being in the States, in my view, are intrinsically linked and I think if you separate one from the other, Parishes will be a poorer place for it. Yes, I appreciate what the Constable is saying in terms of being able to stand for Deputy but I am not sure that is the same thing and, as a Deputy within a Parish, you have other responsibilities to the Parish which may mean that you may have to take on representation as a Minister. I am aware that of course the Constable is a Minister himself so I do not wish to talk into myself but, yes, maybe it is possible to do it. I think, as a norm, it is important that the Constable is in the States and take the Parish's responsibilities representing his parishioners. He is uniquely placed to do that because, certainly in my brief experience in St. Ouen, a lot of Parish life flows through the Parish Hall. As a Constable, you are acutely aware that is your job to listen to your parishioners and I do my best - and I know it is difficult in COVID times to do that - to get out and talk to people and find out what their concerns are and indeed how, as a Constable, I can make life better for them. As a Deputy, you may well get caught up in other things which means that that is more difficult, so I am convinced that it is important that a Parish Constable is not only involved in the Parish but also has the ability to take his Parish matters to the Assembly and to get those noticed and listened to. I am also concerned at his proposition about the numbers. I think the idea of super constituencies is to address the imbalance of Deputies that exist in St. Helier and I think we are all concerned about this. I am concerned about this. It is not right that some areas of the Island are underrepresented and I do not think that this proposition does much for that, to be honest. If you look at the referendum, the general public are very clear in their support of having super-constituencies. It was 54 per cent of those who voted for it in the end and I really think we need to move to the stage where we do not ignore that anymore, we move on and move to some sort of electoral reform. I think if we are going to have electoral reform, we must retain Parish representation because the Parishes are a vital part of Island life. If we lose that connection, then I think we are missing a trick and I think the Island will be a poorer place for it so I will not be able to support this particular amendment.

6.3.10 The Connétable of St. Mary:

In defence of my parishioners, I just want to make it known that I take great offence that Deputy Martin thinks that communication in country Parishes revolves around the Parish Hall and the Parish church and that people do not understand the reform issue. St. Mary has some of the most educated people in the Island living there. They understand the issues and they certainly tell me how they feel. Deputy Labey was also looking back at the previous referendum and using those numbers; the referendum vote meant nothing as the States Members refused to accept the result. This is all about equal voting. The vote could easily be equalled by the mathematics without any boundaries or district changes and as an example, in St. Mary, a vote of one would be 2.8 in St. Helier, 3.3 in St. Clement and 1.6 in St. John and so on. This could be revised at each election regardless of population movement just making it simple.

The Bailiff:

Thank you very much indeed, Connétable. Deputy Southern, are you able to hear?

Deputy G.P. Southern:

I am here now and appear to be unmuted? Can you hear me?

The Bailiff:

Yes, we can hear you very well. Very well, Deputy Southern.

6.3.11 Deputy G.P. Southern:

I think I have been here a long while and I am pretty ancient. I can remember sitting opposite to the then Senator, now Constable Norman, when we first debated something that looked awfully like this and so it is a trip down memory lane for me. I think, this time, I equally must vote for this although I know that there are better propositions coming up behind this one but, for old time's sake and nostalgia's sake, I will be giving this a vote this time around. I could not not, I do not think in all honesty, because I have certainly argued strongly before for something very similar to this sort of proposition. So I will be voting for it but it is only, I suspect, nostalgia.

6.3.12 Senator J.A.N. Le Fondré:

I will try and be pretty brief, if I can. That is always a kiss of death. Although I will not be voting for this amendment, I wanted to just identify I suppose and explain a little bit why and also I think a couple of points that the Connétable of St. Clement has made which I absolutely agree with and I think is relevant to this debate and obviously other debates to come. He made the point about the historic Parish boundaries and, for me, again that is something that Members have to decide on. You support the principles of the community that we live in, it is a small Island, and that community, to me, has always been - particularly as a former Parish Deputy as well - an integral link obviously between the grass roots of the population and the Assembly. So that community, for me, is fundamentally based around the Parish system and part of that is around respecting historic Parish boundaries. I think the Connétable of St. Clement was absolutely right there and what he said is that we do not live in super-constituencies. We live in our Parish. I think that is quite strong. He also made a point which was around numeric exactitude, if I can get my vowels in the right place, and I think he is right there as well. One of the things that I found in working with other Members on this is that we are focusing so much on percentages at a particular point in time, so it is a percentage here and it is a percentage there. In certain cases, because we are a smaller jurisdiction and because we are dealing with numbers that are so small, frankly, if you stick another 2 housing estates in certain Parishes, all the numbers shift around. The other point I make, which is when we get back to Venice and all those type of things, they do make the point which has been made time and time again around you can respect essentially ancient boundaries and I think it is less dense in terms of the numbers of the population. The examples that come to mind, certainly from the work I have done in the past, we know that Rhode Island in the U.S. is significantly overrepresented and it still is, or the U.K. I think it was both the Orkney and the Shetland Islands. I think both of those have one M.P. each versus the Isle of Wight which has I think, from memory, around 120,000 people and also has one M.P. Yet no one in those jurisdictions is kicking off about them. I think the other point there is that what that shows it that small communities are allowed to have their representation but the other thing it does is it distorts the calculations you are doing, and I do not mean that in derogatory sense. I am doing it in a mathematical sense. So, from my perspective, in the past when we have been dealing with statistics, what you can do if you have outlying numbers that distort the overall figures, is you just exclude them from your calculation. I do not mean that you drop them and do not have representation. You accept that they are an outlier and because they distort your figures, you take that out so that the rest of the figures give you a better idea. Without making it complicated, all I am trying to say is that we focus on many, many numbers and percentages here which will continue to shift. Therefore, even if you get to a solution this time around, you will not have solved the problem. Again, going back to the points we made around Clothier, is that I think the point had been made there were some interesting recommendations that were made in 2000. At the time, the suggestion or the recommendation was made to not pick off parts, and the Assembly of the day did and so, 20

years later, I think time has moved on. I make 2 other observations. One is when I last looked at this when we on the Corporate Services Scrutiny Panel, we interviewed one of the members of the Clothier panel who was vehemently in favour of reform but, essentially, what he said is: “Think about it carefully. Produce a concerted plan and we will get to the end objective rather than doing it in incremental steps.” He was not in favour of super-constituencies at that point in time because, again, he respected the Parish system and that was someone who spent an awful lot of time as they are going through Clothier. Essentially, the view was use the 4 years that you had, which we may be in danger of wasting, to get to something that is being considered and done properly, and then I think my follow-on from that would be then take it to effectively a referendum and you implement it the following time. It is about getting it right and that was someone who had been waiting a very long time. The other point I would make, and I go back to the comments of the Connétable which I think we do need to be reminded of, which is on page 2 of their comments, which is from the Attorney General about Article 3 of the First Protocol of the E.C.H.R. (European Convention on Human Rights): “There is no reason at present to consider that the electoral system for the States Assembly would breach the requirements of A3PI.” I think the point there is even if we do not get to it today, and I would like to see some change obviously, the system we have is still compliant with human rights.

The Bailiff:

There is a point of clarification raised of you by Senator Mézec. Will you give way for a point of clarification, Chief Minister?

Senator J.A.N. Le Fondré:

I suppose so, Sir.

Senator S.Y. Mézec:

The Chief Minister referred in his speech to the Venice Commission and the Venice Commission specifically giving allowances for deviations away from their main principles on voter equity and the wording that the Venice Commission uses is “weak administrative units”. Could the Chief Minister clarify whether he considers the Parishes to be weak administrative units?

Senator J.A.N. Le Fondré:

I will come back to that no doubt in the next debate because I think there is an added sentence in there which I will just go away and check. I still maintain my principle that I will not be voting for this amendment.

6.3.13 Deputy J.A. Martin:

I am very sorry. I did say I probably would only speak once but the Constable of St. Clement’s proposition is so near Clothier that I thought I just want to speak on this amendment. I am very concerned that Constables cannot even support this. I am hearing that it is not what we need. To me, this is exactly what Clothier said we should do. The extra numbers give people in the smaller Parishes a chance for a sitting Constable to stand exactly as Clothier said. You can be elected as Constable. If you want to stand in the Assembly, you stand for the States. It is quite simple. That brought me to the concerns that were raised by the Constable of St. Martin and the Constable of St. Peter.

[15:30]

Clothier was a good read but it is out of date. Are these Constables going to hang on, or people who do not want change, until they start saying the election observers were out of date in the last election in 2018? If you are going to hang on long enough, I am sure you can get there. They are not out of date. They have told us our system is wrong, they have told us our system needs amending, and we have known this for years. It seems I have upset the Constable of St. Mary. I stand by what I said

then and I think if any Constable thinks they are representative of all their parishioners, they really are not because they really would see them in the shop up the road and they would not know who they were. It is just what it is because they do see most of their parishioners at the Parish Halls and probably if they stand at election which, unfortunately, again is not that often. I take that back for the Constable of St. Mary because I know he has fought an election the last few times and it probably has been close fought because it was the then Constable and he was the then Deputy. The point is this is really about people are saying: "Clothier is old hat. We have the ministerial system. We have been getting on with that and now it was just a good read and you would not do this in a business." We are not a business. We have been told our system is wrong and do not think you can sit and wait and ignore everything that came out of those reports in 2018. They will not be going for 20 years and we can say: "They are now old hat." We know we are even more out of kilter. We have the wrong representatives in the wrong place but that was 20 years ago. I think the Constable of St. Helier is going to speak but be careful what you wish for because I want us to make our own changes. I do not want anybody coming into Jersey and saying: "This is what you should do" but really how many chances do we need? We have discussed this and discussed this and if you cannot vote for Clothier, I am very sorry, I think there will be some consequences.

6.3.14 The Connétable of St. Helier:

I was prompted to speak by the Chief Minister's intervention. I fear that Senator Le Fondré will give the phrase "status quo" a bad name and being someone who is very fond of the rock group Status Quo, I immediately rise to their defence. It is quite unacceptable for the Senator and others like him to be arguing in this amendment and in others that just because what we are doing in Jersey is not being stopped by the powers outside the Island, that it is okay to carry on with a system which is gerrymandered. I used that word in my first speech today and I will continue using it, and I have used it in the States before. I remember initially asking a question of Senator Le Fondré and I think it is when he stood as Chief Minister. I asked him what he would do about a gerrymandered electoral system and he took umbrage at the use of the word "gerrymandered", but there is no question that a legislature that continues to refuse to change a system where your constituents have less power at the ballot box because they happen to live in certain parts of the country is gerrymandered. We are just as bad as those 18th century constituencies that used to move their borders to keep people out of the polling stations and so I must ask the Chief Minister to accept that we must reform the way we elect our Members. It is not about us. As someone has said earlier in the debate, it is about our voters and our voters currently are being treated unequally. It is not acceptable for us to continue to expect the status quo to satisfy our public. I would urge Members to reconcile themselves to the fact that they are going to have to accept reform, not because it will be forced on us by an outside body but because we owe it to our voters to be fair. So I repeat again, let us find a way of electing our Members to a legislature which is fair and let us not try and pretend that the current system is anything but unfair.

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

I know I have not been because I have been ill with this cold but I am quite happy to be in the Parish and in the States Assembly. I do not have a problem with both jobs. In fact, to be honest with you, I have missed being in the States Assembly not only because of this but because of this blessed virus we have. To be honest with you, I find the remarks that Deputy Martin said very upsetting because I am well-known in my Parish. I do a lot for my Parish. We do not please everybody but we all know that, whether you are a Deputy or a Senator. You cannot. Having said that, I just do not meet people in the Parish church, basically because I am Methodist and I do not always go. I only go on hay days and holidays but normally I am at the Methodist church at Georgetown. People come into the Parish Hall and they meet me because I am here. That is not a problem. I meet people in the street. I get phone calls from other people who live in other Parishes saying: "Would you help us because ..." I am there. We are there for everybody but I do feel very sad about this remark by saying we have either to have been in the church or the Parish Hall because we are not recognised. I have

people who call and they do not even know who their Deputy is or what their Deputy looks like, so it is not a one-sided thing. I am very proud to be in my Parish although, as I have said before, I am not standing again. I have been here since 2011. I do it because I love my Parish. I think that the remarks that Deputy Martin has said are a shame and I have a lot of respect for Deputy Martin but we do not have to go to church or be in the Parish Hall to be recognised.

6.3.16 Deputy J.H. Young:

I was not going to speak but I think the downplaying of Clothier is just too much to take. Yes, it does read well because the team that wrote it were extremely able in communicating complex problems simply but to say it is out of date and it has no relevance is absolutely mind-blowing. It is highly relevant today. I remind Members that only a few weeks ago when I brought a proposition and Members did not accept my solutions to it, the root cause is the same. We set up a ministerial system which radically changed the way government works but we did not put in place an electoral system that would be effective and fully effective in ensuring absolutely fair, equal and democratic representation in ironing out the distortions that take place in order to keep the ministerial system in check. That is critical to public lack of confidence. I want to speak strongly in favour of the Connétable of St. Clement. This is the first time we have seen a formula come forward for a structure based on the Clothier principles. Yes, updated on the numbers because that was sensible to do so because of our growth in population, but to say that it does not represent the Parishes flies in the face of reality. It maintains representation for every Parish despite the fact that the smaller Parishes will have very substantial overrepresentation according to the figures circulated by the P.P.C. and also highlighted by Deputy Tadier. I think that is a defect, it is not ideal, but it does keep the principles of Parish representation. The numbers will allow for, if you like, what would be the loss of having an automatic approval of a Constable sitting in the Assembly. It achieves the same thing so I think that is really, really important. Now one last thing. Evolution. The systems have to evolve. Okay, Jersey does not do revolution, things evolve, but what we have seen is an inability, almost like a King Canute attitude or approach, that we must stand in the way of any change. I have certainly come to the view that we cannot achieve perfection but these runners we should improve and then finally endorse the one that comes out today please because I am going to support this and I thank the Connétable of St. Clement for bringing it.

The Bailiff:

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

6.3.17 The Connétable of St. Clement:

I thank Deputy Southern for his comments of support. I am not quite sure why that does not fill me full of confidence. I jest. No, I do thank the Deputy for his comments and I thank the Constable of St. Ouen for his kind words. A number of people have spoken. I will not refer to everybody but to Deputy Tadier, I would say: "Yes, my proposition is very clear." Every Parish should have at least a minimum of 2 representatives, even if that does skew the mathematical exactitude. That is because we have only one seat and you have a sitting candidate who could be a strong candidate and it does discourage people from standing and we do see that in the Parishes. I fought an election for Constable but only once and I assume because people think I have done an okay job, that they are not standing against me. That would be true of most Parishes and that will be true in most single-seat constituencies. That is why I would go for 2 but, as time goes on, the Electoral Commission or whoever takes on the role will be able to review the numbers in each constituency and each Parish. Senator Le Fondré was absolutely right. This will vary from time to time depending on housing developments in particular areas. In my own Parish, we have just had Samarès Nurseries development being completed, 150 homes at Le Squez have been completed and another 50 at the

top of Rue du Hocq. Our population within a year to 18 months has increased by 10 per cent so it is absolutely quite right that we in St. Clement should have additional representation. I do agree with Senator Ferguson that we should not be debating this at this time. There are other more important things for us to worry about, think about and discuss but we have been forced into this by the Privileges and Procedures Committee who decided, with no previous consultation, to just suddenly land on our desks one day a proposition for reform. I understand why they did it but it really was not the right time to do it. I can also assure Senator Farnham that the Constable of Grouville, when he was in the States and the Constable of St. Clement was not, would have absolutely no influence over the Parish of St. Clement, nor indeed the Constable of St. Clement, whoever that might be. Of course, if the Constable of Grouville or any other Constable were elected to the States, they could be elected as Chief Minister but not on the basis of them being a Constable but on the basis of them being an elected States Member. It was the Constable of St. Martin who spoke first and I am a little bit concerned about one or 2 of the things she said because my amendment does support the Parish system 100 per cent. The definitive proposition does not. As I said before, it will leave the Constables out on a limb and, in the future, it will be very difficult to justify their place in this Assembly. Why did I stand on the Council of Ministers as a Minister and how do I cope with that? Well, I do find it challenging sometimes but I did it in a sense because I believe that the Constables, while they are in this place as a right, must play a full part in the working of the States. It is sometimes, as I say, challenging timewise but it is extremely satisfying as well. I will be honest with the Constable, when the Chief Minister invited me to stand, I think I was his second or third choice. I had no problem with that at all because I did not expect to get the invitation at all. I said: "Yes" because I sort of assumed - and I hope she will not mind me saying - that my predecessor was going to stand for the post and would undoubtedly have beaten me in an election. She did not and so I was elected unopposed, the only candidate, and I have not regretted one moment of it since. I think it was a bit unfortunate the Constable of St. Peter almost mocked the Clothier report saying: "It is 20 years-old. Therefore, no longer of any relevance." I say the Clothier report, as I say in my comments of my report, was of its time, ahead of its time and stands the test of time.

[15:45]

If we are going to criticise a report that is 20 years old, could I remind the Constable that Constables have been in existence and in Government, whichever you want to look at it, since the 1500s? Perhaps we could argue then that they are past their time as well. He also asked why I did not bring forward this proposition when I was chairman of the Privileges and Procedures Committee. We had an interesting and diverse group when I was chairman of the Privileges and Procedures Committee and Senator Mézec and the Constable of St. Lawrence will recall we had a subcommittee trying to deal with this issue and, in fact, we did a lot of consultation with the States Members. There were a lot of workshops with States Members who were getting ready to bring a proposition when a Back-Bencher brought one himself. Senator Mézec and the Constable of St. Lawrence will remember how difficult it was to get any sort of consensus among the subcommittee because of the nature of the individuals who were sitting on it, and particularly one whose position changed every time we met. We did have certain challenges. Finally, Senator Mézec made a good speech, as he always does, and I think he chided me back in 2013 for supporting option B in the referendum and, yes, I did with a heavy heart but I did it because it was the least-worse option on offer. I would say to him and remind Members that if we reject this amendment and we support the Privileges and Procedures Committee amendment, it is inevitably the end of the Parish system in a few years' time. As I say, the Senators will go now and it will be totally logical for the Privileges and Procedures Committee in the next Assembly to look very closely at how really do the Constables fit into the system when it ruins the mathematical exactitude? I think Senator Mézec also said that I was offering the worst of all worlds. I say: "No, I am offering the best of all worlds" and if I can just quote from my report: "It will result in a simplified system of one category of States Member and is highly likely to result in far fewer uncontested elections. Standing for election will be more attractive for candidates and participation

more meaningful for voters. It therefore successfully addresses the recent recommendations of the Commonwealth Parliamentary Association Election Observation Mission for Jersey.” As I said in my opening comments, the Parishes are the very heart of our social life, of cultural life and our political life. This amendment will ensure that that is not diminished. I maintain the proposition.

The Bailiff:

Thank you very much, Senator. I ask the Greffier to post a voting link in the chat and I open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been defeated: 11 votes *pour*, 33 votes *contre*, one abstention in the link, an additional vote *pour* and 2 votes *contre* in the chat.

POUR: 12	CONTRE: 36	ABSTAIN: 1
Senator S.Y. Mézec	Senator I.J. Gorst	Senator S.C. Ferguson
Connétable of St. Helier	Senator L.J. Farnham	
Connétable of St. Clement	Senator J.A.N. Le Fondré	
Connétable of St. Mary	Senator T.A. Vallois	
Deputy J.A. Martin (H)	Senator K.L. Moore	
Deputy G.P. Southern (H)	Senator S.W. Pallett	
Deputy of Grouville	Connétable of St. Lawrence	
Deputy M. Tadier (B)	Connétable of St. Saviour	
Deputy J.M. Maçon (S)	Connétable of St. Brelade	
Deputy J.H. Young (B)	Connétable of Grouville	
Deputy S.M. Ahier (H)	Connétable of St. John	
Deputy R.J. Ward (H)	Connétable of Trinity	
	Connétable of St. Peter	
	Connétable of St. Ouen	
	Connétable of St. Martin	
	Deputy K.C. Lewis (S)	
	Deputy M.R. Higgins (H)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Martin	
	Deputy of St. Ouen	
	Deputy L.M.C. Doublet (S)	
	Deputy R. Labey (H)	
	Deputy S.M. Wickenden (H)	
	Deputy of St. Mary	
	Deputy G.J. Truscott (B)	
	Deputy L.B.E. Ash (C)	
	Deputy K.F. Morel (L)	
	Deputy G.C.U. Guida (L)	
	Deputy of St. Peter	
	Deputy of Trinity	
	Deputy of St. John	
	Deputy M.R. Le Hegarat (H)	
	Deputy J.H. Perchard (S)	
	Deputy C.S. Alves (H)	
	Deputy K.G. Pamplin (S)	
	Deputy I. Gardiner (H)	

The Deputy Greffier of the States:

Those voting *pour* in the link, Senator Mézec, the Deputy of Grouville, Deputy Martin, the Constable of St. Helier, the Constable of St. Clement, Deputy Young, Deputy Tadier, Deputy Ward, Deputy Ahier, Deputy Maçon and the Constable of St. Mary.

6.4 Composition and Election of the States: Proposed Changes (P.139/2020) - sixth amendment (P.139/2020 Amd.(6))

The Bailiff:

Next on the list to be debated is the sixth amendment lodged by Deputy Higgins and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 2, paragraph (a) – Delete paragraph (a) and substitute with the following paragraph – “(a) to agree that it should establish an Assembly of 49 Members, 37 elected from 9 districts, each choosing a number of representatives based on population, plus the 12 Parish Connétables, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows – District 1 5 representatives returned; District 2 5; District 3 5; District 4, St. Saviour 6; District 5, St. Clement 4; District 6, St. Brellade 4; District 7, the Parishes of St. Mary, St. Ouen and St. Peter 2; District 8, the Parishes of St. John, St. Lawrence and Trinity 3; District 9, the Parishes of Grouville and St. Martin 3.”

6.4.1 Deputy M.R. Higgins:

For those of you who have had the chance to read my amendment and the accompanying report, you will have seen that I start off with a George Orwell quote from *Animal Farm*: “All animals are equal but some animals are more equal than others.” You may also be aware of the line from the same book: “Four legs good, 2 legs bad.” Well, when it comes to electoral reform, the line could be amended to read: “Rural Parishes good, urban Parishes bad.” Now it is true that I present this amendment as a longstanding St. Helier Deputy but, first and foremost, I do so as a democrat; a democrat who wishes to see fair representation for all Islanders no matter where they might happen to live in the Island. I fully acknowledge that the underlying message of P.P.C. who have stated progress on meeting international standards and adequately responding to the recommendations of the C.P.A. (Commonwealth Parliamentary Association) election observers can only be made if Members are willing to compromise. Indeed, compromise is a consistent message in their report but compromise also has to have its limits. St. Helier and St. Saviour are being asked to compromise too far in my opinion at the continuing expense of country voters who will continue to be vastly overrepresented under the P.P.C. model. Many of us who support electoral reform and who understand that fair representation cannot be achieved by keeping the automatic *ex-officio* role of the Constable in the States are already being asked to compromise their principles in order to support this proposition. However, when P.P.C. say that 76 per cent of the Assembly will comply with the Venice Commission recommendation that, except in really exceptional circumstances, they are, I would suggest they are playing fast and loose with the figures. The fairness of seat distribution must also take into account the presence of the Constables who will automatically be returned for all of the 12 Parishes. The problem is created because the likes of districts 7 and 8 will also be returning 3 Constables in addition to their 4 Deputies meaning that those areas each return a total of 7 representatives, whereas St. Helier districts will be sharing one Constable between them. Now the wily ones among you might say: “Hang on a minute. The Constables will not be representing the super district.” That is true but no matter which way you cut it, those districts will be returning 4 Deputies and 3 Constables at the expense of other parts of the Island. Now if you look at the tables in my report, they show this mismatch in representation. Please look with me if you have the document open in front of you. On page 5, district number 8 which is St. John, St. Lawrence and Trinity, has virtually an identical population to that of just one-third of St. Helier. The former Parishes have a total of 12,460 residents whereas St. Helier North has 12,480. Yet P.P.C.’s scheme means that the voters of district 8 combined will return 7 Members, 3 Constables and 4 Deputies,

whereas the voters in St. Helier North would only return 4.33, i.e. 4 Deputies and one-third of a Constable, How can this be fair? Well, the answer is it is not and so, like the Republicans in the deep south of the United States, the gerrymandering continues. This is not just a problem that affects St. Helier. A similar inequity arises for St. Saviour so I hope the Constable of St. Saviour and Deputies Lewis, Maçon, Doublet, Perchard and Pamplin will listen to what I am about to say. In the current Assembly, St. Saviour has 6 representatives out of 41 of the Parish district representatives. This is what they should have. This equates to 14.6 per cent of the Assembly. Mathematically, they should currently have 5.7 so it is a good fit. Under the proposed P.P.C. scheme, they should have their 6.8 representatives or if we round it up to the nearest whole number, 7, but they still only have 6. Yet again, this is also the country voters in districts 7 and 8, in particular, can continue to be overrepresented. With this proposition, I am asking those Members who think that the automatic right of Constables to sit in the States as a deal breaker to agree to be fair-minded and to agree to the continued presence of the Constables in the Assembly, providing it is not done at the expense of Islanders who happen to live in the more urban districts. After all, in successive Island Plans, urban residents have had to put up with increased building density, industrialisation, traffic and pollution, both noise and air pollution, and less green space all so the countryside can be kept green and leafy. In return, the least we can ask is for the urban residents to have fair representation. Fair is fair. If Parishes wish to keep their Constables, which I respect they do seem to want to do, they should be prepared to give up some of their Deputies. They will still have their Constables to be the voice of the Parish and the Assembly if that is what they wish but they will also have a selection of newly and fairly distributed Deputies to go to as a wider constituency. I commend this amendment to the Assembly.

The Bailiff:

Thank you very much, Deputy. Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

6.4.2 Deputy M. Tadier:

I thought that maybe Members were being coy there in not wanting to speak on this particular amendment, which I think is a shame because I think the Deputy has seen something here. He has seen very much the P.P.C. proposal for what it is. It is a compromise and it is a compromise because P.P.C., to be fair, have tried to present something that was coherent previously and they could only get 20 votes in the Assembly for it. So the driver for their proposals is not one of fairness, equity and common sense or something that is neat and tidy. It is something which they think they can get past the usual, let us say, country block who were not going to give up any of their gerrymandered system easily. That provides a real problem for Deputy Higgins, and myself as well, and I am glad that he has put this amendment in because at least we get a chance to vote for something that is worth voting for. Now we will see how this one goes and we will see if, as I suspect may be the case, we are going to be left with just the one proposal at the end, which is P.P.C.'s, then we will debate it on its own merit. As Deputy Higgins has quite clearly demonstrated in his figures, it cannot be right to over compensate the country Parishes with extra Deputies that they do not need or deserve. This is not personal again. It is just simply they do not have the populations to merit those Deputies. We have already heard previous Constables saying that they could not support the Clothier recommendations but they still want a fair system. Well, there is no justification that P.P.C. has for giving those areas greater representation than they need.

[16:00]

They fixate on this idea that: "Well, do not worry because the super-constituency somehow are hermetically sealed and that the Constables are separate." But, of course the Constables are not separate, they are in the mix. We are all States Members no matter which way we got into the Assembly. When we are here we all have to do effectively the same jobs, or at least potentially the

same jobs. It is up to the Assembly to then decide who does which roles. We are all equal in that sense. It would be true if Constables were in a separate Chamber, in the way that the Senate in the U.S. is in a different Chamber, to say: "We do not count them because they are separate." They are not separate at all. They are all put into the mix and so those Districts 7 and 8 will end up with 7 representatives altogether instead of the 5 that they should have. Yet again, St. Helier, and I think the Deputy said St. Saviour, finds itself short-changed. I am glad he put in the context about the fact that the price of successive Island Plans has always been to try and keep the countryside green, try and keep it unspoilt, try and protect our coastline. Those are all things which I have supported, by and large. Which Parish Deputy would not want to oppose a development which is not appropriate in their constituency and in their Parishes? Of course that is what we do, but there is a cost to it because it means that for those people living in St. Helier there is a risk that unless, first of all, building is done really well they become increasingly ghettoised and they also become increasingly forgotten by the States Assembly in which they are less and less represented. They were already underrepresented in the first place and under this iteration, when it could be so much better if we adopt Deputy Higgins' proposal today, then they will continue to be short-changed when there is a better option on the table. If anyone is considering supporting P.P.C.'s proposal then they should certainly also support this one because otherwise they will be saying: "No, we prefer a gerrymandered option to a fair option." This keeps the quintessential essence, if you like, if that is not tautological, the quintessential driver of what P.P.C. is trying to do, saying: "Look, we will keep the Constables in the States, Parish representation will be maintained but not at the price of overrepresentation of the country and underrepresentation of the town areas. Remember what I said at the beginning; the triumph of the country. We should not have a triumph of one section of our Island against the other. It is okay if St. Helier ends up electing lots of right-wing conservative candidates, as they have done in the past, but at least ... and I do not care what people's politics are, I just want to know that people are fairly represented, that a fair process is being gone through and that the person that the people want to be elected, the people who the public want to be elected, that they have been elected and there is no gerrymandering going on. I do commend the Deputy for bringing this forward and for making a good speech.

6.4.3 The Connétable of St. Ouen:

I have to say I have listened to the opening of this debate with a great deal of concern, to be honest. Perhaps I should have done more homework on this but it was always my understanding that the P.P.C. proposal was numerically correct in terms of head of population. When Deputy Higgins stood to speak and made it clear that his proposition corrected this and brought it into line, that the original proposition may have possibly been incorrect, I was greatly concerned because I do support the way forward and if we are going to vote for this we need to get it right. I am only going to speak for a couple of seconds but I invite the chair of P.P.C. to speak, if he would, and comment on this proposal, not least to put my concerns to bed and maybe some other Members' as well.

6.4.4 Deputy G.C. Guida:

The major problem with the propositions presented today is that they move towards much larger constituencies. We should, in fact, be doing exactly the opposite. Amendment 7 is the start. I hope that you will be patient enough to listen to it. There are some very strong advantages to having small constituencies. As Deputy Tadier mentioned, they create a stronger link with the elected representatives. We should elect one, maybe 2 maximum, so you know exactly who to go to, you know who is responsible for you. How will you define that in the size of the Deputy's constituency? They bring diversity and build an Assembly which is politically representative of the population. This is actually quite an important concept. When you have very small constituencies you get local distribution anomalies which allow minorities to emerge. The larger the constituency the more chances of having majority representatives coming up. So if we had a single constituency with only Senators, like Guernsey did, all you will get is people who have been elected by 51 per

cent of the population. This is very, very important because having the right diversity, having a representative diversity in the Assembly, allows you to have a consensus Government, which supports the consensus Government. Today, we have an Assembly where the political orientations of the Members range from cronyism - my fellow members know who they are - to unfettered free market. I believe we are richer for it if we use it to achieve consensus decisions. This means that instead of fighting each other, we try hard to agree with each other. There is no systematic opposition and no party lines. We have to persuade everybody and you cannot take anyone for granted. Nobody is your enemy, even if they decide to play Game of Thrones with our Government. This is worth exploring further. Our morning prayer asks God to “*unir les coeurs et les affections de tous ceux qui la composent*”, that translates into “Unite the hearts and the feelings of the Members so they can work together.” “*pour le bien et au soulagement du peuple qu’il t’a plu de commettre à leurs soins*”: “For the good and the relief of the people entrusted to them.” This is not a suggestion to beat around until the cows come home, it is not an order to split up and decide on party lines, what it is is evidence that this small Island’s Assembly was always meant to work by consensus. Small constituencies make standing easier, cheaper and more attractive, it is much simpler to try to represent 2,500 people than it is represent 11,000. For starters, you can try to do it in person, you can distribute your own leaflets, you can set up your own posters and the budget is miniscule. I did not manage to spend £1,000 this year but I had to work hard for 24 hours a day for months, boots on the ground in the place I wanted to represent. Small constituencies allow direct contact between elector and candidate before the election. We knock on their doors and they have our number. They know who represents them. We know them personally. This is unique and should be cherished because the alternative is marketing. There is nothing personal about marketing, it is all about the appearance, perception and most of all branding. It is not about your personality, your values, how trustworthy you are, but it is about your photographer, your scriptwriter and all the empty promises your party will make on your behalf. My favourite about all these is it would suppress the professionalisation of the politicians because they are too easy to oppose, anybody can stand, it is very simple. I do not mean by professional someone who remains a politician for a long time, I mean someone who knows nothing else. We, in this Assembly, are asked to manage people, manage a country. A professional politician is not a professional manager, their only specialty is how to be elected. There are masters of marketing, masters of managing and their only goal is to get re-elected to the expense of all else. Most people in this Assembly think of nothing else but managing the people of this Island. Small constituencies promote diversity, they anchor a consensus Government, they make standing for election less daunting and cheaper. They favour direct contact at a human scale. These are all hallmarks of Jersey, why would you take their adjudication as our starting point? Especially when it is possible to get exactly the same result while keeping our Parishes.

6.4.5 Deputy R. Labey:

We have heard that speech from Deputy Guida before. I do not mean that disrespectfully. I know how much he cares. We know what he thinks but we have a problem in Jersey with participation, not only with voter participation, getting people turning out to vote, but we have a problem with participation in terms of candidates too. Deputy Guida fails to understand the situation here, where part of the problem in the smallest constituencies is that it is socially a bit awkward to challenge a single sitting Deputy. Let us leave the Constables aside for the moment, just talk about the Deputies because very often we have 3 or 4 Deputies returned unopposed. Now, part of it is because it is so small, it has become socially awkward to challenge a person. We do not have full party politics, do we? We have one party. It is slightly easier with party politics because you can say: “Well, I am for the blue party and you are the red party so it is nothing personal, mate, but I am standing as a blue and we are hoping to turn this constituency blue.” In Jersey it is about people and personalities and any challenge can be seen as a direct personal challenge. Both people who might live very close to one another have to live with those consequences for the next 3 or 4 years. I have not prepared this

speech so I hope I am making sense. It would be lovely to come down to the smaller constituencies, one person standing in one constituency and maybe once we have purged this system with the main proposition and begun to accept changing constituency boundaries in the way that we are doing, once we have done that we may be able to go down to smaller constituencies. I do not know how long that would take. But, for the moment, what we have to try to do is encourage people to participate in terms of standing for election and making it easy and as inviting and as attractive as possible. We have to also try to encourage people to come out to vote because our democratic system is in terminal decline. We have seen that multi-seat constituencies attract more candidates and we are going to give, with the main proposition, and the same is true for Deputy Higgins' variance of it ... if we pass this today, tomorrow somebody in Trinity would wake up knowing that next election there will definitely be an election, and they will have more choice. They will be choosing 4 candidates and they will not be having to be swamped with manifesto; it will be important because each one of those people could become a Minister and play an important role. They will have more choice and if we can start to get people coming back to elections and turning out and being interested in politics themselves, then the sky is the limit in terms of then modifying the system years ahead to make it even better in terms of smaller constituencies. We have to do this first and we have to stop the rot with the situation in Jersey, which is a lack of participation, civic engagement; we are the worst country for it, or small nation for it, out of 41. I am trying not to speak too much in this debate because I do not want people to get sick of me but I was asked to speak to talk about the figures by the Connétable of St. Ouen, and I am happy to do so. There are 2 differences with the figures in the calculation that is being made here between P.P.C.'s proposition and Deputy Higgins' variant of it. I thank him for it. He makes some good points.

[16:15]

What P.P.C. is saying to the Connétable of St. Ouen, I hope I am going to make sense here, is that we say let us take the Constables out for a moment because we are making a special case for the Constables, preserving the hallowed link and we are going to claim special status for them. Let us take a look at how we elect everybody else and let us do it in a way that we meet all the international standards and tick all those boxes. We do it in our allocation except for St. Clement, which is 13 per cent overrepresented but that is probably already out of date and it will likely change and come back down when they get all those people coming to live there in Samarès Nurseries and other places. This is massively an advance on what we have at the moment. I am talking about P.P.C.'s proposition. Then we add the Connétable to it, okay, our special case of Connétables and we have to, to be honest, and P.P.C. have done that ... here is the column on page 4 of the P.P.C. guide which I had sent out in the post to Members. You can see that when we add the Connétables to it we know it is not going to be good. We know it is not going to meet the standards. But here we go, we add the Connétables in and we are getting variances of ... well the worst one is 33 per cent underrepresented in St. Helier North District. There is a special circumstance there, is there not, because we have made allowances for the Constables. There is certainly scope to add another Deputy into St. Saviour, that does not actually alter the figures too much, I think that will be fine. We did not want to go above 49 because one of the things we are told by people, not only that things need to change but that there are too many Members. We know, because we work it, we need this amount but we did not want to go over it. Deputy Higgins comes from a different way. As I say in my notes, we have reached the same destination but we take, on P.P.C., a more scenic route and Deputy Higgins says: "Right, no, let us not do it like that, you have to consider the 2 together. So we will allocate the district representatives in such a way that is not going to mess up the figures like it does on P.P.C.'s in the final column." Deputy Higgins is on page 8 of the P.P.C. guide, if you have had it through the post. So what Deputy Higgins gets is the first column is a disaster, a nightmare and we get up to a 106 per cent variance with St. Mary, St. Ouen and St. Peter because he has only given them 2. He is more concerned with the final figure, with the Constables added. To be fair to him, when he does that his final column is better than P.P.C.'s but it still has variances of 14 per cent in

one of the districts and 13 per cent. Not bad at all within the 15 per cent guidance. But my feeling is, look, we are still not ... I am just clinging on with my fingers here and hoping, hoping against hope that we are going to get to the main proposition unamended and that we will ... I am touching wood. So I think we can be a little bit more generous with those districts that are coming together, 3 Parishes coming together, because I do not want somebody in St. Ouen waking up, if we pass this today, tomorrow going: "Oh well, we have got a bigger district and there is only a choice of 2 candidates." I want people to feel that this is better and going to be better, they are going to have more choice and it is going to be a proper election everywhere. That is the reasoning. I hope that helps the Constable of St. Ouen and Members. I will try not to speak too much in the other ... I really pray and hope that we can get to the main proposition completely unamended. I am afraid that is my position.

6.4.6 Deputy D. Johnson of St. Mary:

I very much sympathise with the ambition of the chair of P.P.C., it has been a difficult role to fulfil, to get us to an agreement and I fear that he might not have reached it. I do wish to not take issue but question some of his assumptions in what he had just said. On the question of elections, I have fought 4 elections in St. Mary and I fought them because they were all contested. There was never any problem in my relationship with the other candidates, in fact the present Constable will remember that when he stood as Deputy I challenged him and he won. He was one of the first people to suggest I put my name forward in the next election. I do not believe that the social convention does act as an embarrassment. We are all big enough to get over it. In fact, if you are going to go into politics you should be capable of doing so beforehand. I do not think that this is a problem. While I do appreciate that there is very much an element of disconnect between the electorate at the moment and those elected, I do again question whether proportionality has as much effect as has been suggested. I do not for one moment contest that we should be more proportionate. I cannot do much about that. I stand in a constituency that has a relatively small number of electors. In truth we could, subject to planning permission, rectify that by building major estates on our greenfields. I did not stand on that line nor do I think do the majority of the population. As evidence of that there is a petition going around which seeks to prevent a large number of houses being erected on a coastal position in our Parish and there are more signatures to that petition than there are residents. As I have said repeatedly, when I fight for the greenness of St. Mary I do so not just on behalf of my residents but also the Island as a whole. I think there is a national interest in keeping that. I do question whether the proportionality aspect is of concern to many people. If indeed it was then it is not absolute. As has been said before, there are many examples of jurisdictions where there are not rogue states but ones which do contort or distort the figures and, having seen more hours of T.V. (television) than I should have done watching the U.S. election, I cannot recall that any adverse mention was made of Wyoming having 3 electoral college seats, having 4 times as many votes in power as did California. It is accepted in many jurisdictions that that is the way of it and historically that is something they can put up with for the greater good. Also reference has been made, and is made here, to the existence of the super-constituencies and the fact that someone is not disenfranchised simply by being converted from one sole Parish to one constituency of 3 or 4. I accept that basic point but there is a difference. I happen to live in a property where if I took my dog for his half hour morning walk I would go through 2 other Parishes on my way home. Yes, there are many people in St. Lawrence and St. Peter who live nearer to me than residents of St. Mary but the point is that by being the Parish Deputy you have certain associations with the role and customs of the Parish. I attend every Parish Assembly I can, I go to the Parish church - perhaps not as often as the rector might wish but I go - I am a Member of the Parish Rates Committee, I am also trustee of various small trusts established for the benefit of Parish residents. If I were a member of a super-constituency, would I have to do that for all the other Parishes? How would I apportion my time? Contrary to what people might think, there is a trend, I suggest, of people wishing to vote for those who, for the reasons I have just given, have associations with those already in their Parish, whether it is through church, the Parish Assembly

or what have you. I can see that someone in St. Ouen would be more inclined to vote for his or her fellow residents than one in St. Mary or St. Peter, and vice versa. That is, I think, human nature. I make no apology for being a member of the smallest constituency in terms of numbers. The Parish consistently punches above its weight when it comes to elections. I think on the last occasion it had a voting record of 66 per cent, mine was similar at the total, and I think I am a handful of votes short of matching the number of votes awarded to people in much larger constituencies. We get a high turnout because of the closeness of the relationship between the Deputy and the residents, as Deputy Guida has just referred to. You would not get very far in an election campaign if you did not at least attempt to visit every house in the Parish. Whether you are voted for or not, residents appreciate that. It is obviously going to be more difficult in a larger Parish and probably impossible, although obviously the effort will be made. I do fear that that lack of closeness between the, more often than not, local resident with his or her parishioners to a wider audience and a wider constituency might be to the detriment of the voting turnout completely. If Members or constituents cannot relate to their one candidate who they most closely associate with, they may choose not to vote at all. There is a real risk of ... contrary to this move stimulating voting power, it might lead to the contrary. I, first and foremost, believe that the smaller Parishes, yes, they have their disproportionality, if I can call it that, but it is something that might be capable of being delivered if there are other measures put in place. Again, people have raised the question of a competition between the country Parishes and the town Parishes. I have never seen that. It was a concern when I first entered the Assembly but the very first Government priority was to put St. Helier first, we all did. Also there was a policy to build more in St. Helier so as not to spoil the landscape of the country Parishes, and I support that. I support that in exchange for my commitment to support the Parish of St. Helier and other Parishes in keeping green and open spaces. I have consistently done that. If they are going to take the weight of the new accommodation to be provided they do need the counterweight of spaces. I also applaud those who have sought for St. Helier to have greater power. I think the idea of a local council framework could be extended. That might well take some ... not heat out of the situation but might give some empowerment to local residents of St. Helier, which they are entitled to be. I wish them well in that and I think that if that could be advanced maybe in other Parishes too that, in itself, might go a long way towards stimulating voting power in the Island as a whole rather than the piecemeal changes which are now sought. I do have certain other comments to make in connection with other amendments but on this particular amendment I will close.

6.4.7 Senator L.J. Farnham:

Just as few comments prompted by the contribution of Deputy Russell Labey. I do not like falling out with my good friend Deputy Russell Labey.

[16:30]

We are not natural adversaries. I remember we were comrades, we stood shoulder to shoulder once upon a time for option C and our slogan was: "A vote for change but not this change" and one of the problems then was with the 3 options we were being presented a lot of Islanders did not want any one of them. That is probably a conversation for another amendment. Deputy Labey did talk about problems with participation, and I am not sure whether he meant participation by the electorate or participation in relation to finding people to stand for the Assembly. I will deal with both if I can. If we look at electoral turnout, if we think for one minute that by tinkering with our systems or doing away with Senators or Constables or rearranging the districts and the number of Deputies, if we think for one minute that is going to engage more Islanders in electoral turnout or electoral interest, I think we are sorely mistaken. We only have to look around the world at the systems we are trying to emulate with what is being proposed here today to look and see widespread dissatisfaction with politicians and political processes, and of course the government in the way things are run. Yet we still think by emulating that we are going to improve the lot of Islanders over here. If we think that we are sorely mistaken of course. One of the big problems we have is with ourselves. It is the people

that do not make systems work, not the systems. Deputy Labey made a comment, and I think the Deputy of St. Mary addressed it, it is simply nonsense to think that somebody would be deterred from standing because they felt a bit awkward to challenge perhaps a single standing Member. I have never really known that. That is another red herring. Talking about participation from Islanders who might want to put themselves forward, and I think all of us as we have started now, there are conversations about who we are going to get to stand next time around, we are aligning ourselves with like-minded politicians. Many of us just want to see more people from all walks of life coming into the Assembly but are we surprised that people are not coming forward? Without going into too much detail, we know the challenges, the huge challenges, faced and I would have liked to have seen the Privileges and Procedures Committee - and I have huge respect for the chair and all the members - focus on what can be done to raise the interest of Islanders to stand for election to this Assembly. There are thorny issues that need to be dealt with, such as the remuneration of States Members, the way they are treated, the pension issues, the issues of notice periods and the introduction of different pay scales between Back-Benchers, Scrutiny, Ministers, *et cetera*. Those are the key issues that need to be dealt with if we are going to engage with Islanders and make it more affordable and more accessible and realistic for Islanders to stand for election to this Assembly. I know many Islanders who would be very interested in standing but their financial commitments simply do not allow it. I am not saying that the amount of money paid to States Members is too low but we have to be realistic to attract and make it possible for more people to stand; those are the issues we should be dealing with. I very hope that P.P.C. will look to address that as well prior to the next election. I am not necessarily asking for more money for States Members but a more realistic pay structure to enable more Islanders to come into the system. I think the amendment by Deputy Higgins is to be commended. I cannot support it simply because it does not contain ... it removes the Island-wide mandate but it is slightly closer to the amendment I intend to bring shortly which tries to blend super-constituencies with the office of Constable in the Island-wide mandate, but regrettably I cannot support it.

6.4.8 Deputy M.R. Le Hegarat:

I am one of 10 Deputies in St. Helier and 7 of us do not actually live within the Parish of St. Helier. I also fought an election in Districts 3 and 4 and was one that was successful, and I do not live in the Parish. I live in St. Martin, as it happens. What I would like to say is that it is interesting that people talk about the people and whether they would or would not vote for somebody who does or does not live within that Parish. I had a number of conversations when I was canvassing about where I lived and why I decided to stand in that Parish. My reasons were because I had worked in the Parish extensively as a police officer, as everybody knows, and across the Island as well. I stood in that Parish for those reasons. I will be supporting this amendment by my fellow Deputy, Deputy Higgins. I had a real problem with the initial one that came at the beginning of this year because I felt that while I was canvassing and while I was at hustings that the public were telling me that they did not want to have the Constables removed automatically from the Assembly. That is why I could not vote for the previous one. This one, however, they keep the Constables and that, for me, is quite imperative from the point of view that I, like Deputy Morel, have concerns that what will happen to the Parish system if the head of the Parish does not have a role within this Assembly. There is much that comes out of the united part of the Parishes. I know what people have said about the Deputies, but I do not live in St. Helier so would people feel that I was as much a representative for them in relation to other matters. That is my concern. What else do we have through the Parish. We have the Honorary Police, we have the people that do the Roads Committees, *et cetera*, so all of those roles and that is why, for me, the Constable was the lynchpin of having them within the Assembly. As I said, I will be voting for the amendment.

6.4.9 Senator S.Y. Mézec:

I am pleased to follow Deputy Le Hegarat because I disagree with a lot of what she said but I am going to be voting the same way as her in the main proposition as well. I think it is worth highlighting the fact that she has reached her conclusions for a set of reasons that I do not agree with but we have still reached the same conclusion on how to vote. That is because the thing we have both got in common is a desire to get some sort of progress here and being prepared to compromise a little bit in order to do that, in order for the best interests of the public and the people who we represent to perhaps put aside what we think is the perfect solution in order to get something that is more fit for purpose and will be better for voters out there to engage with. I hope that that aspiration can be held by a majority of States Members so we can get something over the line and get some progress. I have listened throughout this whole debate with great frustration to some of the Members who there will never ever be a compromise that they are prepared to make or anything that they are prepared to do in the name of progress because their interest is in just stopping any change whatsoever from happening. One of those who I am referring to there is Senator Farnham, who on multiple occasions today has said things that are manifestly ridiculous, and he needs to be called out on it because he cannot get away with saying things that are just so blatantly ridiculous and not have that pointed out. The first one I am going to challenge him on - and I hope if he gets an opportunity to speak in his amendment that he can try and justify this statement. He made it twice in his speech just before. He referred to it as looking at other systems and trying to emulate them. He cannot get away with saying that because it is completely untrue and it is manifestly ridiculous. What system are we trying to emulate out there that also has Constables in their Parliament. None. There is only one other jurisdiction in the world that has Constables similar to like Jersey does, that is Guernsey and they have not had Constables in their Parliament for 100 years. There is nowhere that we are trying to emulate. The various different versions of electoral reform that we have before us today, P.P.C.'s original proposition and the amendments are all completely unique systems that do not look like any other system anywhere else in the world. The Clothier version or the original P.P.C. version from earlier this year, some people have referred to as being like the Anglicisation of the Island, despite the fact that in England these systems do not exist, it is completely different. What is proposed with P.P.C.'s proposition is a uniquely Jersey system. It is a Jersey compromise. It is trying to meet that basic instinct that I hope most of us have for fair play and equality but also respecting the Parish system at the same time. We are not trying to emulate anyone by doing that, that is coming up with a unique Jersey system. Senator Farnham needs to do better than that, by trying to scare people, by saying we are trying to emulate other failed systems when there is simply no evidence of that and it is absolutely baseless. He said that he thought it was nonsense to think candidates found it awkward to challenge in small constituencies and that is why we get uncontested elections. It is not about it being awkward, it is about it being practical and challenging an incumbent when there is only one seat is a really difficult thing to do. Unless that candidate has really badly messed up with something, often you are simply on to a losing bid because you are against somebody who has got a high profile, who has links to all the different groups as the incumbent that they will just naturally get an advantage from by doing that. It is pure pragmatism to not challenge them. If you genuinely wanted to get into the States Assembly, why would you stand for election against somebody who you are very likely to lose against? You will either not run, which is what will happen for lots of people, or you will carpetbag and you will go for a constituency that you have nothing to do with, one that you think you stand a better chance in or because the incumbent is standing down or whatever, despite the fact you might not have any community links there. That is where it comes from. It is not about people thinking they are being rude for challenging, it is the fact that frankly some people do not want to waste their time and money running a campaign that is doomed to failure. Single-seat constituencies naturally produce that. Multi-seat districts will invite a greater challenge and a greater choice because people will look at them and know that they do not have to run a negative campaign against an incumbent because they are not just running against them, they can meet people on the doorstep and say: "You like the incumbent, that is fair enough but you have more than one vote so you can give another one to me if you think I deserve it as well." So you get a nicer campaign in that sense. It

will invite more people who are just willing to give it a go. You will get a broader contest. There may well be merit in having small constituencies for the candidate being closer to the electorate. That is a ridiculous thing to suggest in some parts of the Island where Stopford Road would end up being a constituency in St. Helier because of the population, if we were trying to get it equal. That simply does not make sense but by having multi-seat constituencies you invite a greater challenge and that, I think, will improve voter engagement because the voter will feel like they have more genuine choice. In an uncontested election you get no voter engagement because there is no choice.

[16:45]

If you have a single seat contested between 2 candidates who were pretty similar, you probably would not be that inspired to go out and vote, but if you had a 4-seat constituency, a 5-seat constituency or whatever and a bunch of candidates came forward, you would get an interesting contest that would be more captivating and the result would feel like it was more in the balance because there were so many people going for it and you would have a number of votes rather than just one. I think the most spurious point that Senator Farnham made was about pay for States Members. I really get frustrated when this issue is brought up in the Assembly. I do not know of any Member who is in it for the money. It should not be a consideration when you are going into politics, but what he said, the Senator referred to a realistic pay structure. Let us be clear, that is a euphemism. That means pay rises for Ministers. That is what is meant when it has been used in other contexts and that should not be what this is about. I also think it is totally illogical to think that if we gave pay rises to Ministers that would mean people would be more likely to want to stand for the States, people who might be earning more in their careers to be able to go into politics if there is a pay rise. The pay rise is just for Ministers, but when you stand for election you have got no idea whether you are going to become a Minister or not. The only way to entice people to stand for election on a monetary basis is to give blanket pay rises to all States Members. Good luck with that one, good luck making that case to the public. I think that really does not make sense. That is the main reason I wanted to speak, was to challenge the ridiculous points that Senator Farnham has made. I hope he will reflect on them when he gets to his amendment, an amendment which he has already dismissed in a previous speech he made, saying he does not even like it that much, which begs the question why it is even on the table. This amendment from Deputy Higgins is safe to vote for because he has done some calculations and it looks like what he is proposing creates better voter equity than the unamended P.P.C. proposition, but the unamended P.P.C. proposition is still better than the status quo in terms of providing greater voter equity across the Island and your voting, irrespective of where you live, being more equal than it currently is. So on that basis that is worth voting for. That is all I wanted to say on this particular amendment.

6.4.10 Deputy J.H. Young:

I just also want to speak about the single-seat constituency argument. As Members know, of course I am the Member for St. Brelade District No 1, which is unusual, which was structured as a separate constituency separate from St. Brelade No 2 many years ago, I understand from talking to people for very longstanding historic reasons. I wanted to explain to Members what I see as being the upside and the downside of being in a single Member seat, which I think is very important and material to the decision we are making. I am not going to repeat all the good points, what have been said. You do feel closer to your constituency. All those points, it is possible to get around and you can be very in touch. Certainly during the first term I served as a Deputy I experienced that and I enjoyed it. But on the downside I would say when I was elected as a Minister, which is something I did not expect, what I found is that unfortunately there are very significant practical difficulties in performing a role as a Minister occupying a single Member Deputy seat, not just practical but also issues which are, I think, detrimental to my constituents. It is something over which I have had to ask for help from other Members to cover it. That is a question of the conflict of role, particularly caused in my role in planning matters. Planning matters obviously everybody knows are hugely significant in any

constituency. As a Member, one can be expected to be called upon to assist constituents and so on with their planning problems, either as applicants or as objectors, concerns about neighbour issues. That could ultimately result in them submitting appeals, but of course who is it? The person who occupies that role ends up having to decide the appeals. It does not stop there. When it comes to questions of public health nuisance and so on, there are numerous enforcement rules. The process involves the serving of notices and those notices fall to whoever occupies the ministerial position to decide those appeals and public inquiries and so on. I do not think this is unusual. It may well be particularly in my case that it is just focused on, but I think it illustrates the problem that there is this inherent conflict and it makes it very difficult to properly and fairly and objectively represent as one wants to. Therefore I am grateful to colleagues in adjacent seats - and indeed to Senator Ferguson and indeed the Connétable of St. Brelade - who have been able to step in and cover situations where it would have been impossible for me to advise somebody on a matter that I would ultimately have to adjudicate between 2 alternative conflicting interests. I think that is a direct problem of ... and this is the key point here. As I said earlier, we have a ministerial system. The system does not allow the Ministers to hold all-Island mandates. It is just not enough and it is not possible. It will be that Deputies will end up in these roles while we maintain this structure which is, in my book, defective. Of course Deputy Guida made a very good argument for community interest, but of course Deputy Guida is not a single Member constituency. He has 2 Members in the Parish of St. Lawrence, so that issue is diluted. I also see of course later on we may go on to discuss the Chief Minister's own amendment, who from the reports - it looks to me here - wrights single Member constituencies large, unless I have misunderstood it. I think that is a really important issue. There are real negatives. Of course if one adds to that as well that it is quite difficult, I think, for new candidates to come forward and depose a Member in a single Member seat. There is a lot of effort required and the points that Senator Mézec raised are quite right. Of course I would have loved to have had an election this time. I did not get one because nobody wanted to or nobody, at the day, chose to put themselves forward at that election. I think that is not what we need. No, we do not need unelected positions. In the end, that is the one issue I wanted to raise. Deputy Higgins, I shall be supporting him because I think the numeric points that he made are, if we like, seeking to ensure a better numerical result. I think it is worthy of support and I am going to give that to him, but ultimately, as I have said earlier, if we cannot achieve that I shall be supporting the compromises as well. That is all I wanted to say, thank you.

6.4.11 Senator J.A.N. Le Fondré:

Obviously again listening with interest. Again, I congratulate Deputy Higgins again for his passion on the amendment he has brought through. For me, the 2 fundamental issues on this, one which I think has already been referred to is that it does not retain the Senatorial vote in any shape or form, and that for me is a problem, not just because I am a Senator now. The second is, as we have alluded to already, again it is fundamentally about super-constituencies. That is where, for me, Members have obviously got to make a decision. I think both Deputy Guida and others and I have earlier alluded to what I consider to be the attraction of the Parish-based system. I do believe that we can achieve better representation ... sorry, removing some of the distortions by looking at the district boundaries and to an extent I think that is my fundamental problem with the super-constituencies. It is kind of neither fish nor fowl. Either take the view and say: "Right, we are disconnecting from the Parish boundaries completely" in which case go to the streets and all the rest of it and work out the boundaries, in which case you get your Boundaries Commission or P.P.C. or whoever to do that across the Island. That includes St. Saviour and St. Helier and potentially just having ... it does not matter how many Members are in those districts, districts of equal size across the Island. But the super-constituency measures for me, as I said, it just effectively wrecks certain Parishes which are working very well in terms of communities. I do admire Deputy Labey. I think he does a fantastic sales pitch for whatever proposition he is bringing and he may well be successful somewhere today, I do not know yet. But I do not, I am afraid, agree with him. I do not think it is going to ... what are

the words from P.P.C.? Energise and excite or something on those lines the members of the public, just because I do not think they are going to relate to the new super-constituency areas. Therefore if turnout on the second election - not necessarily the first because it would be something new - again starts to fall, then we have caused damage to the Island community system and failed in the endeavour to get turnout up. I do think it is around some of the other issues which the observers have covered, and also, as we have all alluded to, unfortunately with COVID that programme has been somewhat stifled at the moment. We are trying to get the public to understand what we do and it makes the job of a politician more interesting, more understandable, and therefore by engaging with the public through that, they then hopefully gain interest and seek to stand as well. I have alluded briefly to pay and I will say it will depend. No doubt some people will criticise what I am about to say, but at certain professional levels I think some Members who came into the elections this time around have all said they have taken a pay cut to come in. How do you deal with that? I am not going to start cogitating on that now because it is not relevant directly, but there is something in there about how we will make the role attractive and people understanding and engaging. Just fiddling around with the borders, as it were, or the boundaries is not going to do it. So fundamentally for me, super-constituencies I do not go for, so on that basis I certainly will not be supporting this proposition or anything that has got super-constituencies in it. The added icing on the cake there is obviously the removal of the Senatorial vote as well. I will just make the point that on the representation, if I have understood it correctly, with the Constables - which is a good move, keeping the Connétables in - the range is between 3 and 7 votes per district. Obviously under the existing system we have a range between 10 and 13. Again, this is the flaw in a number of these arguments, that the attraction to the members of the public who can presently say: "I can influence between 10 or 13 people and I am now going to be, on this occasion, down to 3 or a maximum of 7" and I do not think that is going to appeal again to the voter. On that note, I have kept it very brief and hopefully that outlines why I am certainly not going to be supporting this amendment.

6.4.12 Deputy G.P. Southern:

It is one of those days where a proposition comes after a proposition after another proposition and I find myself voting for several times today. Here is another one. The numbers are slightly different to what is presented in the P.P.C.'s proposition, but nonetheless the numbers seem to have been done correctly. What it looks like is a step towards fairer representation and indeed still manages to maintain the position of the Connétable. I cannot see on this particular case why this particular proposition, amendment, could garner a majority, especially when I think back to all those ... and it gets rid of the Senators as well. The prospect of not having to sit through 19 or 20 speeches by people who are putting themselves up as Senators when really what we have got usually is a bland competition: "Vote for me. I have got a good smile, a strong handshake and I am bland as bland as bland.

[17:00]

I am not going to threaten anybody or anything or I am just going to present a pleasant character and say: 'Vote for me, I am a good bloke' or: 'Vote for me, I am a good woman.'" Yes, the prospect of doing away with that - it seems like - endless chain of blandness, where the same speech gets trolled out every hustings in the same manner, with exactly the same intonation and the same output, doing away with that is going to be a joy for me. Yes, so this can get my support. Once again, I will vote for this change because change we must.

6.4.13 Deputy I. Gardiner of St. Helier:

I thought that I will speak to the main proposition, but listening today to the debate, especially for the Members who have seen dozens of propositions during their political career, and I listened carefully to Deputy Southern and Deputy Martin, Senator Le Fondré, Senator Farnham and Deputy Young. I can see how easy it can stay as it is, to go to the status quo, which I really hope that it will

not, that we will make some change. It is my second and third time that we are debating election and composition of the States during my 21 months in the States. I made it clear from the beginning equal taxation and equal representation for St. Helier residents. One of the motives that I have heard at the speeches, that: "Oh, it is important to visit every house and in smaller Parishes we can do this" let me state to you, also in my constituency - in our constituency, we have 4 Deputies - it is the biggest constituency on the Island. Every resident, every voter expected us to visit him or her personally. The expectation, it is exactly the same. It is not changing, that we have the biggest constituency on the Island. By the way, it probably can be called super-constituency because for us it will not change. Our district will remain more or less the same size, so what we have done at previous elections we will do in the next elections. It is really different. It is not a competition between the country Parishes and urban Parishes. Also there should be equality around the election between the candidates. I am grateful to Deputy Labey for clarification, because I understand that we need to compromise and I am ready for the compromise. I can see why Connétables will remain in the States and I accept this compromise. At the same time, I would suggest that we will take all representation, and this is why I am grateful to Deputy Higgins for bringing this proposition and bringing these numbers to our attention. For me, Constables represent parishioners as Deputies. They represent parishioners and I do not think for this they need to have special status, as they are Members of the Assembly with the same vote. It is not a special case; it is not special status. They are Members of the Assembly and representing the parishioners. It is important to take in consideration the numbers. Another thing that I have heard, and it has kind of a jump to me, I hear some Members of the Assembly think we can ignore the need for political reform if we are in a crisis, as the public are too busy. Using COVID as a justification for keeping our broken system because the public is maybe not watching it I think is another low point in our local politics. This problem of unequal representation is going to be worse as the demographic of Jersey is put on even smaller proportions and we can see that the population will continue to change. It is important we continue to think about representations as we are going forward. As Deputy Higgins wrote in his report: "Fair is fair." I agree with Senator Mézec. The P.P.C. proposition is much that the status quo and if this amendment will not pass, I will be supporting the main P.P.C. proposition. But for me, it is time to change. It is the right time to be debated, to make a change to the next election and I will be supporting this amendment.

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

I am just going to be very brief because I just want to address some of the differences between the unamended P.P.C. proposition and this amendment. The way that I see it is that the Deputy seats are better distributed in the unamended P.P.C. proposition, which means that each constituency would elect roughly the same amount of Deputies. However, overall this amendment gives better distribution, but it does add an extra layer of complexity, which would be that each constituency would be electing quite different numbers of Deputies, so there would be a larger range of the number of votes that you could cast in your constituency for Deputies. This is where I have struggled with this, if I am honest, because I have heard a couple of Members today talk about how this is not going to raise the interest of Islanders, this is not going to encourage more voters to engage and so on. However, P.P.C. spent a lot of time doing surveys and focus groups, and not just P.P.C. The Greffier have also had various surveys. One of the main reasons that the voters said that ... well, in this case the majority of them were not voters because they do not vote, but the reason why people said they do not engage is because of the complexity of the system. For me, this amendment does make it a little bit more complex, which is why I have struggled with it, because overall the equality or the equity is better. If I am honest, I am a little bit torn on this because there are pros and cons to both. I think I will leave it there and I will listen to Deputy Higgins' summing up, but I thought just to clarify it for some of the other Members, I thought that I would just make that clear, the distinctions between the 2.

The Bailiff:

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

6.4.15 Deputy M.R. Higgins:

Again, I would like to thank everyone who has spoken. I am just going to mention a few points that were raised, rather than go through every detailed point. I would like to thank Deputy Tadier because, as far as I am concerned, he is one of the most eloquent speakers in the House. I personally hate speaking in the Assembly. That is why my speeches are so short. I do not even know if I have even hit 15 minutes. He is more eloquent, but he also has the same views and I think our views are aligned and so I thank him for what he had to say. One of the things I would like to make clear is I have always felt myself to be a very principled politician. There are certain things I have a red line on and I will not change my views. One of them is the fair representation of Islanders. I believe every Islander should have the right to be equally represented in the States Assembly. I feel passionately that St. Helier is not. I live in St. Helier, I am a St. Helier Deputy, but it is quite obvious that we do not have the same representation as the country Parishes. We need to address that. In fact, if we are going to encourage St. Helier residents to engage, then they need to realise that their votes are as important as everyone else's in the Island. Now, I will not compromise on my principles. However, from the first time I have been in the States, for 12 years I have consistently voted against the Constables having an automatic right to sit in the States. However, in the spirit of compromise and listening to P.P.C. advice, I am prepared on this occasion - with this proposition only, I might add - to agree to them carrying on being in the States as an automatic right, but I cannot do it at the expense of St. Helier residents being underrepresented, so we need to adjust, as I have stated in the proposition, the number of Deputies that are in the different districts. In other words, let us have equal representation for the different areas, let the Constables be in there, but just adjust it and reduce the number of Deputies. That is where I am coming from. I am making a major change and concession here. I do value the Constables, believe it or not. Sometimes I think they think I do not appreciate them, but I do. It was the representation issue that I have always fought against. Now, I would also like to say that some Members mentioned the advantages of smaller constituencies and then were arguing against super-constituencies. I was pleased my fellow Deputies in St. Helier 3 and 4 have spoken. St. Helier 3 and 4, as Deputy Gardiner I think mentioned, is the largest constituency at the moment in the Island, short of an Island-wide mandate. I will tell you, it is vast. A number of years ago when I had just been diagnosed with cancer and I was still in the election, it almost killed me going around it. It was a vast area, but as Deputy Gardiner said, every resident wanted you to go around, knock on their doors and speak to them and engage with them. It may be hard to do, but you leave your calling card to say you have been and to contact you if they have got an issue. By the way, it may be a large constituency, but if they have an issue they seek you out and they seek your support. Again, we have Deputies in St. Helier 3 and 4, as Constable Mary Le Hegarat said, who do not live in the Parish. We have had Deputies in the past who do not live in the Parish. If they are good candidates, they can be elected. We have been very fortunate. The 4 that we have ... well, not counting myself, but if we count the others, Deputy Steve Ahier has been a good candidate, Deputy Mary Le Hegarat has been a good candidate and Deputy Inna Gardiner has been a good candidate and Deputy. I feel that although we have got a large constituency, the people know who we are and they contact us when they got problems. That is how it should be. Those who are in the smaller Parishes who think they would lose all that, you do not. I can assure you of that and I am sure the others would confirm it as well. I would see St. Helier 3 and 4 as a super-constituency in one sense, and in fact under the proposal it might get slightly bigger, but you can still get around it if you have got the commitment to do it. I think it also encompasses a range of views, so my politics might be slightly different to, for example, Mary Le Hegarat's. Not far from, I do not think, but again, we get on extremely well. In fact, all 4 of us do. In the past the district has been well-served. We have had people like Deputy Richard Rondel and Deputy Jackie Hilton, to name 2, again who had a tremendous rapport with the people in this district, and I pay tribute to the work that they have done in the past.

When the Chief Minister is a bit concerned about super-constituencies and distancing, and Deputy Guida, I am sorry, I do not agree with you on that. In fact, if I can come up with a criticism of the smaller Parishes - and there are advantages and I accept that - but there are also criticisms of the smaller electoral areas. For example, Deputy Richard Rondel, who lived over the border in Trinity, just on the outskirts of St. Helier, told me he was told not to stand in Trinity because he would be going against the existing Deputy and that would not be good, so they advised him to come into St. Helier 3 and 4. Another Deputy who is in the States at the present time has told me he was told not to stand against the existing candidate, but to wait for his turn.

[17:15]

I have heard in other country Parishes from people who live there and they say: "Well, it is a big family Parish, we all know each other and it is such and such a person's turn" so it is harder for people to stand for election in some of the smaller or some of the rural areas. People are comfortable with the people they know, but the larger constituencies do bring a variety and diversity which would be beneficial to the country Parishes as much as it is to the urban Parishes. Just to give you the example, we have not resolved the issue yet, although the States has pretty well responded, if we look at the hospital and the debate over Overdale, when the proposals first came out with 5 sites, I looked at them and I said: "The steering is towards Overdale" and the reason was 3 of them were immediately unacceptable. They were not all in St. Helier, by the way. For example, the Constable of St. Lawrence brought a proposition to stop it being at Millbrook. I would have supported that. I felt it was the wrong site for it and destroying that green area. St. Andrew's Park was totally inappropriate; the People's Park was inappropriate. The Five Oaks site, we know about all the problems in St. Saviour, the school traffic and the roads up there and the roundabout at Five Oaks and all the problems. Again, the wrong site. Now, I have been prepared always to support the country Parishes when I feel something is wrong in their area, but we were told earlier on - and I will not say by whom - but anyway, it is said that rural Deputies support St. Helier. Well, sometimes we wonder because when I think of the fight it took to get the Millennium Park, which was decided by a ring-binder in the end of Senator Maclean, you wonder if the commitment is the same way each way. As I say, with St. Helier having increasing population density, pollution and everything else, because the majority of the growing population comes through St. Helier, we sometimes wonder whether we are appreciated. I really do call upon the country Deputies to show their support for St. Helier and give us fair representation, be prepared to compromise as well. I do not think I am going to say much more because time is getting on and we have got much more to do. I will just have a quick look at my notes and just see if there is anything else I need to say. Deputy Labey, I do thank him for coming in and dealing with some of Deputy Guida's comments. I might add, I like Deputy Guida. I think he is a tremendous asset to the States of Jersey. When we talk about diversity, being a Frenchman, a French national who comes in, and he has really worked extremely hard for this Island and I appreciate him being there, but I hope he will again consider St. Helier. I am having a very quick glance down all the scribbled notes I have got. I think I have made them in the main and I am really grateful to people like Deputy Southern and Deputy Alves, who I know, as a member of P.P.C., is very loyal to it, but please think about the Deputies. It is far more equitable and it would help heal the division between St. Helier and the urban Parishes. With that, I would call for the *appel*.

The Bailiff:

Deputy Higgins, Senator Farnham has asked for a point of clarification. Are you prepared to give way for a point of clarification?

Deputy M.R. Higgins:

Yes. I may not be able to satisfy him, but I will try.

Senator L.J. Farnham:

I am sure he will be able to. It was quite simply I remember when the Deputy introduced the amendment as he was running through the various aspects of it he did talk about the percentages in relation to the Venice Commission recommendations and he referred to some tables. I am struggling to work out the figures. Could he just briefly explain what the percentages are?

Deputy M.R. Higgins:

I think I just lost my screen. I know we were talking about the 2 Parishes in particular. We were looking at districts 7 and 8 and the overrepresentation if you have 3 Constables in that and I think it was 4 Deputies, it would definitely be over and it would be overrepresented. If we looked at even St. Saviour and St. Helier, for example, I think 7 and 8 had 12,400 people in those 3 Parishes. It was the 3 sort of western and northern Parishes, and yet St. Helier North had 12,400 as well. The figures just do not stack up and they are quite obviously wrong. I hope people will support this. Surely we must all believe in fair representation. As I say, I have made a concession and I hope others, who have felt as strongly as I have in the past about stopping the Constables being in the States, will support this, but on the understanding that there will be concessions elsewhere. There must be a reduction in Deputies so we can try to get more equitable figures across the board. I hope that helps the Senator.

Senator L.J. Farnham:

It does. Sorry to be a nuisance. I was just wondering if he knew the percentages in relation to the figures in his ...

Deputy M.R. Higgins:

I think it was page 5 of the proposition. I cannot remember, to be fair, and I have lost it off the screen, so I do not know.

Senator L.J. Farnham:

Do not have it. I am looking at page 5 now: "Similar in equity. This equates to 14.6 of the Assembly" and I cannot ...

Deputy M. Tadier:

Can I raise a point of order? We seem to be going into a debate.

The Bailiff:

Yes, there is no need for raising a point of order. This is no longer, Senator, a point of clarification about the Deputy's speech, it is a point of you are effectively asking him questions about the contents of the report and that goes beyond the point of clarification, in my view.

Senator L.J. Farnham:

I do apologise, Sir, and thank the Deputy.

The Bailiff:

No, not at all, but that is my ruling on the matter there. I would ask the Greffier to put a link in the vote. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment is defeated: 16 votes *pour*, 28 votes *contre* and one abstention in the link and a further *contre* in the chat.

POUR: 16		CONTRE: 29		ABSTAIN: 1
Senator S.W. Pallett		Senator I.J. Gorst		Senator S.C. Ferguson
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Helier		Senator J.A.N. Le Fondré		
Connétable of St. Ouen		Senator T.A. Vallois		
Deputy J.A. Martin (H)		Senator K.L. Moore		

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

The Deputy Greffier of the States:

Those voting *pour*: Deputy Perchard, Senator Mézec, Deputy Ward, Deputy Tadier, the Constable of St. Helier, Deputy Ahier, Deputy Gardiner and Higgins, Deputy Doublet, the Constable of St. Ouen, Deputy Martin, Deputy Le Hegarat, Deputy Maçon, the Deputy of St. John, Senator Pallett and Deputy Alves. Those voting *contre*: the Connétable of Grouville, Deputy Pamplin, Senator Vallois, Senator Le Fondré, Deputy Guida, the Constable of St. Clement, Deputy Morel, Senator Moore, the Constable of St. Brelade, Deputy Pinel, Deputy Young, Deputy of St. Martin, the Constable of St. Martin, the Deputy of Grouville, the Deputy of St. Peter, the Constable of St. Peter, Senator Gorst, Senator Farnham, Deputy Wickenden, Deputy Truscott, Deputy Ash, the Constable of St. Mary, the Constable of Trinity, the Deputy of Trinity, the Constable of St. John, Deputy Labey, the Constable of St. Lawrence and Deputy Lewis, and Senator Ferguson abstained.

The Bailiff:

Very well. We are now 4 minutes off the time when Standing Orders require I ask the Assembly to decide whether they wish to continue to deal with business today or to adjourn until tomorrow morning.

Deputy M.R. Higgins:

Could I propose the adjournment, please? [**Seconded**]

The Bailiff:

Deputy Higgins proposed the adjournment. It has been seconded. Does any Member wish to speak on the question of the adjournment? In which case we will be able to put a vote in the link.

Deputy J.M. Maçon:

Can we not do it on a standing vote, Sir?

The Bailiff:

Well, could anyone indicate whether they wish to vote *contre*? If they wish to vote *contre*, could they indicate such in the chat? If no one wishes to vote *contre*, then I will take it on a standing vote. If, however, one or more indicate *contre* then we will have to post a vote. In any event, the link has already been placed in the chat and that is extremely helpful. Let us use the voting link. I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition is adopted: 43 votes *pour*, no votes *contre* and no abstention.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Accordingly the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:27]