

# STATES OF JERSEY

## OFFICIAL REPORT

**THURSDAY, 27th SEPTEMBER 2007**

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

### **PUBLIC BUSINESS – resumption**

#### **1. Chief Minister election: Island-wide vote (P.111/2007)**

##### **The Bailiff:**

We come I understand as the next item of public business to P.111 - Chief Minister election: Island-wide vote, in the name of Deputy Southern. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion: (a) to agree in principle that the Chief Minister should no longer be elected by members of the States but should instead be selected through an Island wide vote of registered electors from candidates proposed by members of the States after each ordinary election for Deputies, provided that this new system will not be instituted until the States have agreed appropriate amendments to the role and powers of the Chief Minister to enable a presidential system of government including the selection of the Chief Minister in this manner to be workable; (b) to charge the Privileges and Procedures Committee in consultation with all members to bring forward to the States for approval proposals on the necessary amendments to the role and powers of the Chief Minister to enable a new method of selection to be introduced.

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

Onward and hopefully upward although whenever we talk about the constitution and membership of the States I feel as if it is not necessarily the right direction. We end up going upwards we tend to take one step at a time. Nevertheless, it with some pleasure I think that I present this interesting idea as an alternative to the matters that we have been already discussing and it seems to me been incapable of deciding upon, how we go forward and what sort of constitution and what particularly will form effective government in Jersey? I say at the start that it does raise serious questions about how we govern ourselves and that the concept proposed is a new one for Jersey but, I would suggest, one that has shown itself to be workable in other constitutions elsewhere in the world and, therefore, not one to be dismissed lightly and out of hand as too new and too radical for Jersey. I point out from the very beginning that this is an in principle debate and ask the PPC (Privileges and Procedures Committee) to go away, study this alternative in some further depth and return and see if they think it can be made to work and it contains useful seeds that we could develop to decide the way we go forward. So bear that in mind when members are speaking. We do not have to have this issue done and dusted by the end of this debate. Obviously I have addressed some of the issues but it is an in principle debate in saying: "Do you wish to ask PPC to go ahead and consider the matter further and bring it back so that we can decide whether this is a viable alternative or not?" I suppose the key motivation is the one that I keep returning to time and time again in my relatively short political career which is what I call the democratic deficit in Jersey which is the connection between anybody's vote out there and what the government does. It seems to me with 48 or 53 members in three different groups with three different terms - although we are making some steps on that - it is very difficult for the voter to say: "If I vote for X then this will happen and that is what I want." In two years' time, three years' time, four years' time, I can look at it and say: "Right, my vote made a difference. My vote is important because it produces this result, this manifesto, this set of policies and I know if I vote this way I will get this." That does not happen in Jersey. It cannot happen in Jersey because we are 53 individual members and whereas an individual member will do his best or her best undoubtedly to see through their particular beliefs and their particular policies, there is no guarantee at any stage that that is going to be delivered. That, I think, is at the nub of the reason why we have such low turnouts and we talk continually about voter apathy because essentially the voter out there, Joe Soap, can form no connection between if I vote

then this will happen. We will go in this direction. If I vote this way, we will go in this direction. It does not happen. They vote, some of them vote again and they see effectively no change. Things go on, things roll on and nothing seems to change and nothing, some would say, seems to get done. For many people out there they do not vote time and time and time and time again because they do not see the point. Obviously as a member of a political party I believe the way forward is through political parties but we have to wait perhaps some considerable time - the Connétable of Trinity is looking at me with his quizzical look - before we will see that effectively being the mechanism in Jersey. In the meantime what can we do to best help the vote be meaningful in Jersey? This I believe is one way. It would work best if we had managed to sort out, for example, a single election day. It would work even better if we had managed to sort out a single type of member. But it would work best with a single election date and we have not got that. I will accept from the beginning that it is slightly problematical. But given that we have the complex situation that we have and perhaps by 2011 we have got that organised in some way so that we have got the appearance of or close to a single election date, it is possible I believe to bolt on an Island-wide election for the Chief Minister in a fairly short period time so that it could be done. So that we could give electors out there the chance for an Island-wide vote on the Chief Minister. Certainly I suppose the frustration that many electors felt was most manifest in 2005, when throughout the elections people were saying: "Hang on, we are not going to get any say in who the Chief Minister is and the Chief Minister surely is the person who will decide which way we are going and will steer us one way or another and, yet, we do not get a vote on that." Members will remember that one likely candidate for Chief Minister was up for election during those elections. The other, and indeed the successful candidate to be Chief Minister, was not, so the people felt disenfranchised. In reality or not there was a great deal of dissatisfaction: "We cannot get to vote or not for the person who is likely to be leading us." That was part of the system. This addresses that question and says that possibly in future the public will get that say. It need not be particularly complicated. Following the Deputies' elections, following a new House, those who wish to are asked to put themselves forward as candidate for Chief Minister. I cannot believe it will be the enormous long list we get in senatorials. It is a tough old job as no doubt the Chief Minister will tell us but we are likely to get two or three candidates who are standing for particular reasons on particular issues. There is the key. A Chief Minister election in two or three weeks with clear issues, clear differences between the candidates that is the way to get the issues out in the open, available for an Island-wide election. What better way to rekindle some enthusiasm for voting in Jersey. On that particular vote perhaps the voter will be able to say: "My vote makes a difference. If I vote for candidate X with that set of policies, I will get this direction and that is what I want. I will not vote for Y because of this." It will be policy based and it will be about enfranchising the public. That I believe is a way to significantly spark interest in politics in Jersey. But if we are going to do that we will need some form of rebalancing of powers. At the moment the Chief Minister - and perhaps he will confirm this during the debate or not - certainly I have the impression that the Chief Minister while he helps organise and co-ordinate the direction in which his Ministers are going, when push comes to shove if his Minister of Home Affairs says: "I want to do this and I have got the money to do this and this is what I want to do", then as corporate sole he or she takes that responsibility and they will do that. The Chief Minister might negotiate around that but effectively the power is with the Minister. The Chief Minister has, in our system, relatively little power. If you want to get things done - and this is perhaps ground on which I would not naturally go - perhaps we need to give the Chief Minister more power. More power, for example, to hire and fire. Quite straightforwardly the possibility that we saw very recently of the Chief Minister being dissatisfied with the conduct of one of his Ministers having to bring it to the House and say: "I wish to dismiss this Minister. Will the House allow me to do so?" The prospect that the House might have turned round and said: "Well, actually we do not agree. No, you cannot. You have got to keep him." It did not happen this time but it could happen in future. Is that a position that we want, where this House has that power and the Chief Minister does not? The power to hire and fire - and this is where the thing works together - particularly where the Chief Minister has stood on an Island-wide election, has achieved a majority in mandate for his policies, has then

appointed his Ministers to say: "This is what I want you to do. Deliver it for me, manage it for me because I have a mandate. That is a fairly clear way forward and if you do not, if you cannot do that and if you fall down on the job, I will sack you." It seems to me that that is a mechanism which can be made to work. Chief Minister with a mandate, elected by the Island on a set of policies, appoints his Ministers to deliver that set of policies and if they do not, he sacks them or she sacks them. That seems to me could be made workable. Then in my discussion in the report I discussed about how that would be rebalanced with the powers of the House. The House must have some powers over a Minister who is not delivering what the Chief Minister has promised; some powers over a Chief Minister who is not delivering what he said he was going to deliver. We need a rebalancing. But that is where we need further work to say where is the appropriate balance? It is not the balance we have now. Members must recognise that we were very careful I think when we set up the mechanism that we did of ministerial government that we kept as many of the powers as possible in the House. I can see certain people nodding, yes, that is correct. But that is the issue where we need to examine carefully what is the correct balance between powers in the House, the power of the electorate and the power of the Chief Minister. But I think it is a debate worth having and certainly a debate worth having with some examination of the possibilities and the way forward as an alternative to the - seems to me and we said it several times yesterday - piecemeal reform that we appear to be going through a bit at a time, two steps forward, one step back, let us see where we are. It is a bit of a dance and I think this might provide some alternative. It would also provide a simple and straightforward mechanism I think for us to explore the mechanisms of transferable voting if we are saying that a Chief Minister - given that it will be a limited field - must obtain a mandate, a majority, then it provides an opportunity in a very simple way without confusing the electorate to examine transferable voting so that we do get a majority for the final Chief Minister who is successful in an Island-wide election. That is the case. I think it is an interesting and viable idea. I suspect it may be viable. I am not sure that it is. It is a change in the direction we have taken. I am asking the House whether they agree that it is an option that is worth investigating and whether we wish to ask PPC in their other deliberations about how we are going forward - because they have still got lots to do because we have not solved the problems yet - to examine this issue and to return to the House to say: "Forget it. It is not a viable option because X, Y, Z or given the state of play that we have got to and the way forward it is viable because it enables this and we could do it with this mechanism, this way." It certainly would be seen as a move I believe by the electorate to further enfranchise them and give them the feeling that it is worth participating in our form of democracy. That is the case. I leave it to the House to decide whether they wish to do that.

**The Bailiff:**

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

**1.1.2 Senator M.E. Vibert:**

Very briefly. I do not intend to speak at length at all. It does not seem to be a viable option to my view and it would be pointless investigating it because I think it would be a waste of time under our current system of government with our party politics. Though, Sir, I am tempted to support it given the vote that went on yesterday about the 4 year term, it seems just as mad to me [**laughter**]. But I will try to be responsible and resist that urge, Sir.

**The Bailiff:**

Very well. Members do not seem to wish to debate this. Do you wish to reply, Deputy Southern?

**1.1.3 Deputy G.P. Southern:**

I could not resist the opportunity to have a free pot at Senator Vibert. I thank him for his brevity. I thank him for saying what he often does which is such and such is a waste of time and any idea that is not mine is not worth voting for which I seem to have heard before. Nonetheless, that is one

proposer and the seconder saying: "Please examine this and vote for it" and one saying not. I leave it to the House which way they wish to do. In principle do we want to investigate it or not?

**The Bailiff:**

Very well. I ask any member in the precinct who wishes to vote on this matter to return to his or her seat. I ask the Greffier to open the voting which is for or against the proposition of Deputy Southern.

**POUR: 10**

Senator S. Syvret  
Senator W. Kinnard  
Senator B.E. Shenton  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy P.V.F. Le Claire (H)  
Deputy S. Pitman (H)

**CONTRE: 30**

Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. Brelade  
Connétable of St. Saviour  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy J.B. Fox (H)  
Deputy P.J.D. Ryan (H)  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)

**ABSTAIN: 0**

**Senator S. Syvret:**

Can I just make the observation, Sir, that I think what has just taken place has shown the Assembly in an extremely poor light. The amount of time we spend debating endlessly propositions that make up to the Assembly -

**The Bailiff:**

Senator, I am sorry I cannot allow you to make a speech outside the debate.

**Senator S. Syvret:**

I am not making a speech, Sir. I am making a general...

**The Bailiff:**

You were not present when the debate took place. It does not seem to me that it is open to you to make comment on the debate.

**Senator S. Syvret:**

I was out of the room five minutes and the fact that no member spoke on this matter is absolutely absurd.

**The Bailiff:**

Senator, I am sorry, I am not giving you the floor.

**2. Chief Minister election: advance notice of intention to stand (P.92/2007)**

**The Bailiff:**

Now we come to P.92 in the name of Deputy Pitman - Chief Minister election: advance notice of intention to stand. The proposition is quite a long one. Are you prepared to allow the proposition to be taken as read, Deputy, or would you like the Greffier to read out the proposition?

**2.1 Deputy S. Pitman of St. Helier:**

Yes, the proposition as read, Sir.

**The Bailiff:**

Thank you very much. Very well, I call upon Deputy Pitman to propose the proposition.

**Deputy S. Pitman:**

Having initially attempted to lodge an earlier version of this back in January, I know you will indulge me briefly in my now dedicating this - my first proposition - to a politician who was outside of this Chamber one of the most popular politicians that Jersey has had. That is, Sir, the sorely missed former Senator Ted Vibert. In outlining the case for this proposition, Sir, I find I must also offer thanks to the previous speaker, my J.D.A. (Jersey Democratic Alliance) colleague, Deputy Southern. Many of the excellent points arising from his debate are also highly pertinent to this and should thankfully allow my speech to be all the shorter. The strengthening of the democratic process by ensuring the selection of the Island's leaders as a place where all those genuinely committed to political accountability know it should be in the hands of the people. The first real step, too, after all the hot air and procrastination of the recent months of a reform so desperately wanted by the people of Jersey yet thus far wholly undelivered by this House. Important issues I would suggest, Sir, and issues at that which the listening public will neither understand nor forgive if we are not seen to take seriously. Sir, as I have set out in the accompanying brief report there were a number of issues that arose after the 2005 elections. The issue that surely overrode all others was surely the widespread voter apathy resulting in such disappointing election turnouts. Whatever individual member's political persuasion, Sir, I believe few, if any of us in this House, would disagree that a major cause of this among the public was a real sense of being disengaged from the political process. In fact in considering the many people who have raised this with me over the past two years, I personally would go as far as to describe this as regularly being a sense of feeling completely disenfranchised. People genuinely feel, Sir, that their government does not listen. I come now to part (a) of the proposition. It is in my view quite straightforward. It should not I would suggest pose a problem for any member of this House to support should they be the least bit concerned that the public confidence in the openness and accountability of government is of prime importance. In essence the proposition asks that the House agree that all candidates, be they Connétable, Senator or Deputy, wishing to run for Chief Minister must declare their intention upon the night of their nomination. What can be wrong I ask in ensuring the electorate know whether the individual they are being asked to vote for aspires to the

very highest office? In the absence of a fully democratic party system - the sort adopted by most modern democracies where the public know exactly who and what they will get if the majority vote for a particular party and without the standalone -

**The Bailiff:**

Deputy, I am sorry to interrupt. I think members should give the Deputy a hearing. It is very difficult for other members to concentrate if members on the senatorial benches are whispering all the time.

**Deputy S. Pitman:**

Without the standalone election proposed by Deputy Southern we must in the future strive to ensure that the man or woman eventually elected to the office of Chief Minister has a clear mandate from the people of the Island. Part (b) of the proposition: "In ensuring that all those wishing to run for the role of Chief Minister must first see if they have significant support from the Island's people." Part (b) of the proposition essentially asks that this House agree that any sitting member wishing to put themselves forward must first stand down and seek re-election. Some members may argue it and I am sure they will. But as a democrat I simply cannot accept - and if Senator Walker wants to view this as an attack on him then so be it - that it is right that a person seeking the very highest role within government should not first have to offer him or herself up to receive a mandate from the people. Acceptance of part (b), Sir, will ensure that such a scenario will never come to pass again. So I urge members to accept this. Part (c) of the proposition, as members may well appreciate from my earlier comments the anomaly of utilising a secret ballot for the election of the most important role in our government goes against all the principles of openness and transparency that the proponents of ministerial government claimed it would be. There may well be a good number of situations when the mechanism of a secret ballot is sensible and justifiable when an individual is at risk of genuine intimidation, perhaps even violence or reprisals of some kind. But within this government of Jersey, Sir, members must excuse me for being frank here but quite honestly if anyone within the House today genuinely feels they cannot stand up and openly tell another politician who they think is the best candidate for the Chief Minister's job then they really should not be within the House at all. After all, can fear of temporarily putting a colleague's nose out of joint really be a viable excuse for concealing our actions from those who we ask to trust us? I think not, Sir. I may be one of the government's newest members, Sir, but I tell the House for free I did not think Senator Walker was the best man for the job in 2005. I do not think he is the best candidate now. Yet whatever our political differences I am sure the Senator would at least respect me for openly telling him this. So just one final thought on the matter, Sir, to any member still considering what reasons they might conjure up to justify this. Just a matter of weeks ago there were moves within this House to justify, in the interests of openness and democracy of course, for knowing the name of every postman, window cleaner and bank cashier who wished to join a political party. How strange, if we are not total hypocrites, that this House might now seek to justify this yet feel it acceptable to hide our own actions from the eyes of those who elected us. Sir, to conclude I would now turn the proposition over to the House for debate and add only that while I will be the most interested to hear of genuine reasons why the proposition should not be considered an enhancement for the democratic process, the fact that it has been brought by a politician of the Jersey Democratic Alliance is surely not one.

**The Bailiff:**

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

**Deputy G.P. Southern:**

While I am on my feet, Sir, may I ask a question about the three propositions (a), (b), (c), are they in fact separable and can a vote be taken on them separately?

**The Bailiff:**

May I just have notice of that question, Deputy? I will apply my mind to it.

**Deputy G.P. Southern:**

That was notice of the question.

**The Bailiff:**

Thank you.

**2.1.1 Deputy G.W.J. de Faye of St. Helier:**

I like Deputy Pitman. She happens to be a constituent of mine. I think she is very well meaning, very hard working, very well intentioned although perhaps just a little shy from time to time. I really do deeply regret the rollicking roasting I am going to give her proposition.

**Senator W. Kinnard:**

Could I just ask that he does it without patronising the Deputy?

**Deputy G.W.J. de Faye:**

You may ask that, Senator. It would have been nice, would it not, to have had a proposition that said if you are standing for the States you should declare whether you are in fact standing on behalf of a political party or not? Regrettably a number of individual candidates as it appeared turned out to be members of the Jersey Democratic Alliance. I really do not think we need to take any lectures in democracy from a group of people who act with such blatant subterfuge. I regret that I have to possibly rely on the Assistant Minister of Economic Development, but it is my understanding that Jersey does not have a Trades' Description Act which may come as a real serious disappointment to the Rowntree Trust who have invested £28,000 to what they felt was probably a worthy democratic cause. I am afraid this proposition does indicate quite a serious misunderstanding of democratic process. In particular this suggestion that the Chief Minister should be elected by open ballot. The whole point of secret ballots is that pressure cannot be brought upon the voters at a subsequent stage to their vote having been placed. That is why we have them. It would be extremely difficult to be working for several years in an Assembly where the leading politician knew precisely who had voted for him or her and who had voted against him or her. It would make political life within the States' Assembly extremely difficult indeed. I really do not see that we can possibly consider going down that particular avenue. In respect of declaring, this is simply going to become a tick in the box on nomination forms. Unless there really are any States' members who definitely do not want to be Chief Minister it would seem logical that when nominations come round people will simply tick the Chief Minister and say: "Yes, if called upon to do my duty on behalf the Island, of course any member of this House should be prepared to take on the role of Chief Minister if it was necessary and if it was required." I really do not see that this public declaration is going to be of any help whatsoever. If anything we will suddenly find ourselves, as surely as Murphy's Law, on the one occasion when we really want a particular States member to become a Chief Minister will discover that the declaration process was not duly followed and we are completely stitched up by our own Standing Orders and by our own rules and regulations. We really should be and we have in fact passed our own legislation to try and reduce the amount of bureaucracy and rules and regulations. Here we are potentially contemplating some more. I regret that I find nothing helpful in this proposition and I will be voting against it.

**2.1.2 Senator S. Syvret**

I think hopefully we will at least have a few speeches on this debate. I do think it is important that we have these kinds of debates on these kinds of propositions. Yes, it is more of the machinery of government, if you like, but at least there is something novel about it unlike the useless navel gazing which we seem very, very content to spend days and days and days, weeks, months, years

going over the same old ground again. Whereas in the two propositions we have this morning, both are something novel and something that could succeed in doing one of the things that members have often said that we ought to be doing and that we should be doing which is combating the sense of alienation felt by the public and making them feel they have a greater involvement and a greater sense of power over what happens to the form their government takes after an election. Whether the propositions succeed or not today certainly I think it is good that they have been brought. I am not a particular fan of the J.D.A. (Jersey Democratic Alliance). I have never been a member of them and I do not honestly think that they are a particularly credible organisation any more, not least for the reason mentioned by Deputy de Faye. Senatorial elections, hey we are a party; Deputy elections, no, we are not a party and immediately after the Deputy elections, we are a party again. As I told Deputy Southern some months before the last round of elections, the J.D.A. was toast. It was buried, dead in the water, futile exercise and they persisted in flogging the dead horse. But, nevertheless, they are carrying on as a functional political party. Party politics I think are probably going to be an inevitability in Jersey because in the absence of this kind of measure it is going to be the only way that the public ever finally get meaningful control over the political philosophy and programme of policies by which they are governed. All of the many months and years of discussion we have had on machinery of government, that remains the fundamental core issue. The problem in Jersey, Guernsey unlike every other established, respectable, Western democracy is that the people of these Islands have no meaningful direct say over the political philosophy and program of policies by which they will be governed. That is the fundamental failing that we have. I have to say that I am quite surprised that the J.D.A. brought these two propositions because if these kinds of propositions were adopted it would make the evolution and introduction of party politics less likely because people would feel: "Well, we now at least have some kind of meaningful say as to who are going to be the major leaders and the most powerful people within our Assembly." It might take away a lot of the ground for the establishment of political parties were that kind of direct connection given to the public. But I do not think that the States are likely to support these propositions which is a disappointment because I do think, as I said, the big problem is that we do not have a connection with the electorate in terms of deciding what policy of government we are going to have. The secret ballot which Deputy de Faye and others have objected to on this and previous occasions, I am entirely happy for the public to know how my vote is cast in election ballots for members in this Assembly. I mean if it is such a problem why was the vote of no confidence only recently not held by secret ballot? Whatever arguments you could put up in respect of voting for a Chief Minister in this Assembly or indeed a Minister apply exactly as well to votes of no confidence. Why not? If the arguments are correct why not say: "Well, the votes of no confidence should be secret because members might be pressurised or feel obliged to vote this way or that way, to support or oppose colleagues, whatever the situation may be?" If we want that to be a fair vote, why not have it as a secret ballot? I would not support that and I do not think that the arguments about secret ballots necessarily apply to us. We are not ordinary voting members of the public who absolutely rightly do have a secret ballot and will always remain to have a secret ballot. We are not when we vote in this Assembly just like a member of the public going in to the ballot box. We are representing the public and we need to be accountable to the public for our major decisions. We cannot be accountable to the public about who we elect in the departments or the Council of Ministers, we cannot be accountable to the public, if that vote remains secret. It is as simple as that. Again if all those members in the Assembly who like to imagine themselves as being serious about political reform are genuinely committed to getting some kind of re-engagement with the public and giving some kind of power to the public via at least letting the public know how the elected members have voted for this or that post then one sees really just where the true nature of political reform lies, that people clearly are not interested in it if they are not prepared to make themselves accountable to the electorate by letting the electorate know how they have voted. It is one of the most fundamental expectations upon elected members in any legislature. You are there to represent your constituents. Your constituents have a right to know how you have represented them. The denial of an open ballot for these kinds of elections is an

anachronism and an absurdity. It is inevitable that it will be taken away one of these days. Just one brief point, something Deputy de Faye mentioned. He was criticising the Rowntree Trust for the money that they have offered to support the J.D.A. work. I do not criticise the Rowntree Trust or the J.D.A. for seeking such funding. Let us face it, in the last elections there was the Elect Jersey 2005 kind of covert, de facto establishment party who offered all of the independent candidates the opportunity to use their website and have information about ourselves put on their website. When I received that offer I wrote to them and said: "Thank you very much. Could you..."

**Deputy S. Power of St. Brelade:**

Can I just correct the Senator? They did not offer me any space.

**Senator S. Syvret:**

In the Senatorial elections. In the Senatorial elections the candidates were offered this kind of facility. I wrote to them saying: "Thank you very much. Could you tell me, please, some information like who was at your founding meeting, this mass gathering of the great and the good that took place up at the R.J.A.H.S. (Royal Jersey Agricultural and Horticultural Society), who organises this organisation, who is its committee, where does your money come from, who funds you, where do your donations come from to enable you to do all this?" They would not tell me. They flatly refused absolutely. I still have the emails. I am very good at keeping an email archive. I still have the emails and they flatly refused to be open and transparent about that information. That is the Jersey establishment. At least while I am not a particular fan of the J.D.A. they are at least open about what they are doing in the respect of funding and the support they have got from the Rowntree Trust, unlike, by way of contrast, most of the traditional Jersey political establishment that takes donations covertly to help them in election campaigns from businesses, millionaires and all the rest of it. I think the Assembly or the political environment in Jersey does have quite a bit to learn in terms of transparency about election funding and campaign funding. We have to engage sooner or later. It is an historical inevitability. We have to find ways of engaging properly with the public we represent, empowering them, giving them some means however tenuous of feeling they have some direct say in the makeup of the Island's executive. I think it is an historical inevitability that we are going to have to do that sooner or later. It seems to me there are two ways that is going to happen: either by giving the public the kind of direct power described in the two propositions or the evolution of party politics. I think members take their choice.

**2.1.3 Senator T.A. Le Sueur:**

I have got no strong feelings about secret ballots or otherwise but I do not think that is really the heart of this proposition. To me this proposition would only work if the previous proposition had also been passed. I say that because part (a) as Deputy de Faye rightly says will simply invite every single candidate to tick the box. It costs them nothing and if they do not do that they risk losing votes so why on earth should they not do so. But the flaw in part (a) is that there is no mention at all about particular policies. If we are trying to get the public to take a rational view about who they might or might not want but with no particular policies there is no requirement to produce a manifesto with policies in it. So really this whole proposition is a bit of a nonsense. It is simply asking people to effectively put their name on a ballot paper. For that reason, Sir, having rejected the last proposition, all I can do is echo that and reject this one as well.

**2.1.4 Deputy J.A. Martin:**

I will comment. I did not speak on the last proposition because I was really hoping that the present Chief Minister would have a few points to make. Obviously I suppose Deputy Southern must be used to bringing propositions but not such that have ever been treated with such contempt. It was a proposition and this is a proposition that is worth debating. I do have a problem that it is in principle because I think there is a lot - I have discussed this myself, Sir, with Deputy Pitman. She is trying to achieve a very simple thing and it is not very simple to do. It probably did need the PPC

to look at it. But I will support it. I will support it because I totally agree that the people of the Island do feel they are not given the choice. They were not asked really about this new system. Yes, we had a road show. In the road show we went round all the parish halls and the question of Connétables was not on the then Policies and Resources Committee agenda, but myself, Senator Syvret and others had it put on. But it was commented to me afterwards - the vote for Connétable was very strong in the parish halls around. The least well attended was St. Helier. But in the strong parish tradition, of course the Connétables' vote in the hall, show of hands, was very well supported. But going around after, people said: "Well, this is not the place - I am going to say I do not want the Connétables in the States." I have not ever I think once voted for the Connétables not to be in the States. I have now agreed that I think it is a fait accompli. In the system we have they are the link to the parish. I obviously do not agree there with Deputy Southern or Deputy Pitman and probably maybe a few in the House. I do agree the way that it was decided for the public was totally biased and one-sided. It should have been put in open, wide referendum. We do nothing in this House except talk about change. We have picked bits of Clothier. I again disagreed yesterday with Deputy Southern and Pitman. It was not a party line thing. I disagreed fundamentally with Deputy Troy's: "Give us four years", because I fundamentally disagreed with the Connétables after there are many public who have not decided whether they want the Connétables. Whatever we want the public who vote have not decided, Sir. The Connétables were praised for bringing a proposition to this House that brought them all together on one election day and gave them an extra year. I did not support it but lots of people did because it got passed. I was even more amazed yesterday, Sir, with the proposition of Deputy Troy. The people out there - and it is not the money as somebody was saying. You have just increased your contract if you get elected next year to an extra year and nobody has been out and spoken to the public. It was a recommendation of Clothier but it went with a very, very much more broader mandate. None of it has been achieved. I am so disappointed with the people who supported the four years yesterday. It is done now, Sir. But I really think the public want to know. This proposition will not get through. I am told I should not be defeatist. I know, as I say, there are problems. I totally concur with Senator Syvret. I think there are a few Members in House who have really got a problem that the Joseph Rowntree Trust are supporting any group. They supported the Jersey Rights Association who drove forward the reintroduction of housing qualifications and they supported them to a very large sum. If anyone knows the story of the Quakers when they started out they were killed and called different things. They are people who support reform. If the Deputy, Sir, would care to know what hoops and presentations and what you have to do and prove to get any sort of money from the Rowntree Trust he might not be so critical. He might even want to apply himself. Doubtful that -

**The Bailiff:**

You are straying a little bit.

**Deputy J.A. Martin:**

Sorry, Sir, I am straying. I want to just make one comment on Deputy de Faye's speech to the proposition. He said that the proposition asks for people to declare that they would want to stand for Chief Minister. God forbid, they might be elected and they forgot to sign the declaration that they wanted to be Chief Minister. So we have got the perfect man or woman for the job but they cannot do it. I am very sorry, if they have not got the intelligence to tell the electorate or sign a box when they are standing I would not want that person for my Chief Minister. That is the most feeble argument I have heard against this. Really that is all I have to say. I am disappointed. I think the people out there are fed up and unless we get reform soon - talking about the turnout and because we have now included 16 year-olds, most people are not going to bother because we are not listening. Sorry, Sir, that was my last comment on Senator Syvret's comment about if the J.D.A. get this through and the people have more say it might not lead to party politics, we might not need party politics. I, Sir, if that is the case I am fine with that as long as the people - and that is why this is being brought because the people are telling us as a collective or as an individual, give us more

say. What the outcome is, as long as they have got their say and it is interpreted into this House. Senator Syvret himself knows, Sir. He stood openly in the last election, openly topped all the polls, openly said he would stand against the other candidate who he knew was coming forward who had stood three years before. I am not going to score points. We all know where Senator Walker came in the elections. He would not have been my choice. He has done the job okay. It is a totally new job. I agree with Deputy Southern, Sir, the job of the Chief Minister - and I said it the other day - is really a job of co-ordination. What is under the Chief Minister? It is co-ordinating all the other departments and getting them there but not with a lot of power. For that job I absolutely applaud him. It must have taken some very diplomatic skills to keep all the men and one woman happy over the last two years, except for obviously when it all went pear-shaped [laughter]. Even Solomon himself probably could not have solved that one, Sir. As I say so be it. If the people have a say in it I can be happy. If the people do not, I will just have to carry on where I am in saying: "Well, I am listening to the people. Give the people their say." You want their votes listen to what they have to say.

### **2.1.5 Deputy J.B. Fox of St. Helier:**

We are going round the same thing as I discussed yesterday. We are going round this process in piecemeal and cherry picking again, except for this is the first time that we have heard this angle that has come forward in any form of documentation. The J.D.A. have every right to bring up pieces of it that individually. Many of us might not agree with it, et cetera, but they still have the right. But what I would have liked to have seen is that their new policies, et cetera, are brought to the attention of PPC and are incorporated for consideration in all the other views so that the whole plethora of views are all then considered at one point and then a recommendation put forward which is then brought to the House. If the J.D.A. then wish to put an amendment or an alteration or whatever toward that which is proposed, that is their right in order to do so. But again yesterday we had four years. I did not vote for it for then but there are things here that I do not particularly personally have any problem with. Saying if you want to become a Chief Minister it is quite simple. In my case the answer would be no. I have got no desire to be a Chief Minister. But I suppose that if I was looking for election and I was thinking it is not going to make any difference if I get in or not, does it make any difference if I put yes or no? The answer is probably not. In the last election they kept asking me which one of the two candidates was I going to vote for for being Chief Minister. I could have answered that question but the trouble is that I did not know there was going to be any other candidates that I might have wanted to have considered to be a Chief Minister. In the end the decision was made and I was one of the six nominations that was on a nomination form of the Chief Minister. I suppose it is my background when one tends to deal with things directly it makes life a lot simpler than trying to remember what you did or what you did not. But the declaration I do not think specifically is going to move things particularly forward. In relation to (b) we are talking about if you are elected under the senatorial system you are elected for six years. That is the process. We have spent an awful long time going through the various options. Are we at 14 or 15 now, Connétable? Something like that, the present PPC. Until this House makes a decision that is the democratic process that we have elected to do, Sir. If we require - and it did come up again and I think it was Senator Kinnard suggested that she would have been the only candidate. Possibly there was another one of the six that were going to be re-elected that said they would go back for an election if they wished to stand for Chief Minister. But the system at the moment allows for someone to be elected for six years and if three years later we change the system that that person or persons can then seek nomination to become Chief Minister it does not require them to go back to the electorate. They have already been to the electorate on the present system. Then again if we want to change the system I think that the correct way to do it, in my submission to you, is that we should do it all at once so that we get this balanced approach and we consider it in the round and in the whole. That is why I cannot vote for this one. No longer any secret ballots. Well, the same thing applies. If we start having - personally I do not have a problem whether it is open or secret. I accept the argument that has been mentioned that it could carry favours or work against you if you

are looking for a particular nomination to a position or whatever. But if we are going to make this decision we have got to do it again in the round. We have got to do it that we look at the whole of the secret ballot system. Then if it is considered that it needs to be reviewed then it should be reviewed against the whole palette of the things that we are going to review and not in isolation. Therefore, Sir, one recognises that the J.D.A. have a mandate which includes this or at least two out of three do. What I would be suggesting to them is that, no, I cannot vote for this particular proposition but if this is what they wish to put forward that they do so through the appropriate channels of PPC and have it included in the other considerations in electoral reform.

#### **2.1.6 Deputy P.N. Troy of St. Brelade:**

The public do have every opportunity to find out who is standing for Chief Minister because at the hustings candidates are asked by the public. It is normally one of the questions that comes out. Also the media are there as well. The media - radio, T.V. and newspaper - also as journalists the media are interested in who is going to be Chief Minister. They will always make inquiries as well and that gets published long in advance of the actual candidacy here in the Chamber. I think this really is in some ways superfluous. It is not really required. Of course, as Senator Syvret said, the - no, it is not Senator Syvret, I am sorry. As Senator Le Sueur said, it would be in everybody's interest to just tick the box and say that, yes, I would love to be a candidate for Chief Minister because it would possibly get them extra votes. I do remember in 2005 going back to looking at part (b) of the proposition. In 2005 I brought a proposition to the Assembly that candidates for Chief Minister should stand down if they were halfway through their term of office and put themselves forward to obtain a mandate at that time. I would be quite prepared to support (b)(ii) but I do feel that (b)(i) is unnecessary. Part (a) and part (b)(i) are unnecessary but if I had a separate vote on (b)(ii) I would be prepared to support that because I do feel that the Chief Minister should have a recent mandate. But if we could get to the product of having everybody on the same term of office we would not even need that because if we could get everybody on to the same term of office we would all be elected just shortly before the nomination in any event. That would be the better route. We have started the process now that the Deputies and Connétables will be on a 4 year term. If we had the Senators on a 4 year term as well we would have the perfect situation. We would all be elected in a very similar period and then the Chief Minister's nomination would be shortly thereafter. The Chief Minister then would undoubtedly have a recent mandate from the people. But it was commented upon that - a couple of the members have said that Senator Walker they felt was not the right person for the job but he had done an okay job so far. I think that Senator Walker has done a very good job. I think as our first Chief Minister he has taken us through a very difficult period and he has had difficult challenges. I think he has done well so I think that he deserves support from members and acknowledgement of what he has achieved so far. I am not going to support this proposition in its totality but if we are on a separate vote I would be prepared to vote for (b)(ii).

#### **Deputy I.J. Gorst of St. Clement:**

Sorry, Sir, when I pressed my light before I was not wanting to speak. I was merely wishing to inquire of you whether you have had sufficient time to make your ruling on Deputy Southern's question of earlier.

#### **The Bailiff:**

Yes, Deputy, I passed a note to Deputy Southern to say that this is a matter for the proposer of a motion of course but if she wishes to request that paragraph (c) be taken separately from the other paragraphs that would be in order. All the other paragraphs are interlinked and I think must be voted on together. Does any other member wish to speak?

#### **2.1.7 Senator F.H. Walker:**

I have to confess that Deputy Pitman has quite ruined my day [laughter]. It came as a shocking revelation to me that she did not think I was the right person for the job or that I had done a good

job [laughter]. On the other hand, Sir, I think I am in love with Deputy Martin [laughter]. I am not quite sure about my feelings for Deputy Troy [laughter] but I am nevertheless sincerely grateful for the supportive comments he made. Sir, I have no problem with part (a) of this proposition at all. In fact it is exactly what I did the last time I stood for election. Now whether it did me any good or not is a moot point. That is exactly what I did. Deputy Troy is absolutely right. Now we have ministerial government and indeed before we had ministerial government - in the immediate run up - every candidate is asked the question at the hustings. In fact it is all out in the open in any case. I have no problem with part (a) but unlike Deputy Troy I have a major problem with part (b) because part (b) as things stand means that six Senators would be barred from standing for the office of Chief Minister, as things stand. As things stand, Sir, six Senators would be barred from standing for the office. I see Deputy Pitman shaking her head but that is as things stand because part (b)(i) says that every person who wishes to be Chief Minister would have had to have been elected or re-elected States no more than two months before the election for Chief Minister. So those Senators who are halfway through their six year term would be barred from standing as Chief Minister. That simply does not make sense as things stand. Maybe that will change. Maybe that will change and that of course is the danger of doing these things piecemeal. We do have a sub committee of the Privileges and Procedures Committee set up to examine all these issues. I would like to ask a question of the proposer, Deputy Pitman, did she or did the J.D.A. put these proposals to the subcommittee? Have they put them to the sub committee? If so, surely they should await their deliberations on it. If they did not put these proposals to the sub committee, why not? I think this is piecemeal. I think the job needs to be done in its entirety. I await and hope it will not be for much longer - I await the outcome of the PPC subcommittee's deliberations on this. Sir, for the reasons I have outlined so long as (a) and (b) are linked I cannot support the proposition.

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

May I say how pleased I am that we are having some sort of debate eventually on electoral reform and the role of the Chief Minister and who should stand. Of course I have had extensive conversations and debate with my colleague, Deputy Pitman, over this issue. She has taken the direct route to try and solve things now, working with the system that we have got and coming up with a system after extensive, I believe, consultations with the Bailiff and the Greffier to try and find a way forward that better fits and better enfranchises the public. I praise her for doing so. Earlier I took the alternative route of looking at an in principle decision and that got very short shrift from the House. But, nonetheless, I see nothing wrong in the approach that has been taken here. Any candidate for the position of Senator or Connétable or Deputy - because that is the system we have got - should be required to declare if they wish to be Prime Minister at the time of their election. Deputy Fox said he was asked who he would vote for in future. He said: "But I could not say because I did not know if there was a new candidate going to come up." Well, this part (a) would have solved his problem because he would have known who the candidates were going to be and he could have said and indicated to his electorate who he was going to vote for in terms of Chief Minister, thereby giving them an indirect say in who was going to be Chief Minister. Why should he have not done that? No reason at all because that is part of the contract between members and the electorate. That would have solved his problem so I do not see what his problem was with that. Now we have a second problem on (b) that says: "Hang on, anybody who wishes to be Chief Minister - oh, vaunting ambition - should put themselves to effectively stand down and choose to be re-elected at an election so that they can stand for Chief Minister." That is what it clearly says. I do not understand what Senator Walker's confusion around this was. It clearly says that and it is open to anybody to do so. If they have that ambition then that is what they must do. It is very straightforward. You voluntarily stand down, get re-elected within two months of the Chief Minister's election and go for it. Yes, it might be risky but that is what it says. I think that it is a viable way forward. Examine what we have. Examine if you like the candidates. We saw the problem is the issue that arose around the 2005 elections but let us think forward to next year - not very far away - and have a look along the senatorial benches and have a think about who might be

candidates for Chief Minister then. I am not in the business of sticking pins into hats or whatever; drawing things out of hats, rabbits or otherwise. No, we will not have a rabbit as Chief Minister. Who will be the candidates and how many of those candidates will indicate as they are standing that I am a candidate for Chief Minister; that is what I want to do? This says they must. Or will it be that possibly one, two, three of the candidates will, like at the 2005 election, not have to say or do anything but quietly be nudged on the - is it a nudge? Nudge, nudge, wink, wink - to quietly put on the inside track and after the elections and now we have the candidates for Chief Minister you will not know who is voting for who and we have a candidate who did not stand in the most recent elections and quietly we are just going to put that person in place. Exactly like last time. Electorates saying we have just had an election. No chance to vote for the person who got to be Chief Minister and no indication from anyone to the electorate of the way in which anyone in the Chamber voted. What does that say to the electorate? What does that say to the electorate? Not even that you should know how people you have just voted for voted in choosing your Chief Minister. What say have you got? Diddly squat. Disenfranchisement does not make sense to the people out there. It might make sense to us because we know better than them possibly. I do not think we do. Certainly the people out there would feel disenfranchised. So (a) definitely works for me; (b) can be made to work. It is practical. It is a way forward and can be made to work. (c) is an absolute must. People out there have to know who is voting for whom. So this has my total support. While I am on my feet I just must praise Deputy de Faye. How I enjoy getting lectures from Deputy de Faye who is not in the room at the moment but I am sure he is listening. How I enjoy getting lectures on the democratic principle and democracy from the good Deputy. I must point out that he is absolutely totally incorrect when he said of Deputy Pitman: "Maybe she is a little shy." When Deputy de Faye finally if he ever does get to know Deputy Pitman, he will recognise that she may be many things but one of the things she is not is shy. He talked about a right rollicking roasting. Well, a right rollicking roasting from the likes of Deputy de Faye is a thing to be worn as a badge of courage. So well done to Deputy Pitman. You must be on the right track because you have got a right rollicking roasting from the good Deputy de Faye. You have been bloodied. Senator Syvret of course was totally correct when he said that there is no meaningful connection - meaningful say - between the electorate and any program of policies that this House comes out with. It does not work at the moment. But then he went on to say in supporting this proposition the J.D.A. are making a mistake because it is less likely that people will recognise that we need party politics and this will do. In which case I have to answer to Senator Syvret that it is fairly obvious that we are acting in a spirit of complete and pure altruism in doing so. But, nevertheless, if we help to form the connection between the vote and what happens in this Chamber then so be it. If that means that we sacrifice party politics for an extra five years or an extra 10 years so be it. Let us go to that and let us give the people this connection, this way of influencing what happens. My total support for the proposition.

### **2.1.9 Deputy F.J. Hill of St. Martin:**

When I first received this proposition I wrote: "Unfair, unworkable and unnecessary save for paragraph (c)." During the course of this debate obviously I think it is turning out very much as I had put my notes down here because I think it is unfair. I think we have heard particularly from Senator Walker about the issue of (b)(ii) because it would obviously deny anybody an opportunity of standing the second time round in the second part of their third year term. I do think that is on. I do not really think again that someone in the middle of their term should stand or re-stand because they want to be a Minister. I think people know that when you are elected you are either potential or you are not. I think that is why it is unfair. Also really it is a bit of an unworkable system because if indeed you do not make yourself known at the time that you want to stand but at some time during the course of the session you then become an obvious candidate, you would not be able to stand unless - and this is the bit of contradiction of it because if one looks down at (d) if no one has declared an interest to stand initially then it is open to everybody. So if no one said they were available then it would be open to everyone. So (a) and (d) seem to be a bit of a contradiction in

terms, however, I would like to give support and I would ask members to give support to (c) because I think this the way forward. We have heard from a number of members including Senator Syvret who has said about the openness about elections for Chief Minister. But of course I would go even one further when this does come. I hope it does go through. But if it does go through we can then put amendments because I would like to see that any office, whether you are going to be a Minister, Chief Minister, chairman of a panel or whatever, should be an open ballot so everybody knows who you are voting for. I would like to go for that. I say again that I compliment Deputy Pitman. I agree she may not be - she is a quiet person but I think she is a very deep thinking person. She should be complimented on bringing forward the proposition albeit I cannot support it apart from (c).

**2.1.10 Deputy I.J. Gorst:**

The last speaker has made pretty much the point that I wanted to make that I believe that part (b) would be unworkable because in effect what we would be doing would be limiting probably three, maybe even four, Senators to a term of office of three years. They would have to go for re-election if they want to stand for Chief Minister every three years which seems to go totally against the spirit of what we voted for yesterday or some members did. So I do not think (b) is workable.

**The Bailiff:**

I call upon Deputy Pitman to reply.

**2.1.11 Deputy S. Pitman:**

Firstly, I would like to thank all of those members who have taken the time to comment on my proposition. At the last election, Sir, certain members of this House worked very hard with the media and Elect Jersey to crush the J.D.A. They did a good job. This is why the J.D.A. had to consider its position; a position that neither myself, Deputy Martin nor Deputy Southern had the final say. It was a democratic say among our Council. We are now reformed with funding, many new members and many more members of our Council. What I am about to say to Deputy de Faye, Sir, I do not think he will like me after this. During that election the Deputy has forgotten that he was part of a party of politicians whose campaign material was very similar indeed. He has come out with nothing but vitriol for political parties. Deputy Troy, I would like to inform the Deputy that people do not think they have a say in who is Chief Minister. This is why I am bringing this proposition to the House. I suggest if he thinks that people do that he keep in more contact with his constituents. I would add, Sir, Deputy Martin pointed out that people are fed up with the lack of reform and this government not listening to them. She is absolutely right. Senator Walker, I have had extensive consultation with both the Bailiff and the Greffe in answer to your question. With regard to the six Senators, the Senators could stand down if they wanted to stand for Chief Minister. Deputy Southern outlined the realistic situation among the people and how they feel about not having any say in who their Chief Minister is and their views that they hold about this government generally. I ask this House is it more important that the Chief Minister has the confidence of this House or the confidence of the people? I believe I know which one. I ask those among this House who have worked at length to discredit and even destroy the J.D.A. for no other reason than that we believe in the accountability of government, to just this once keep in mind that it is the people's wishes and interests that should dictate the path of this House. We politicians are and should act as nothing more than servants without need to hide our actions. I maintain the proposition.

**Deputy I.J. Gorst of St. Clement:**

Sorry, Sir, far be it for me to question your earlier ruling but I wonder if I could ask for clarification. I can fully understand that part (b) and (d) do require the Assembly to have approved (a) but it would seem to me - and I look for your guidance here - that (a) could stand alone, Sir.

**The Bailiff:**

The difficulty with voting separately on (a) is that if members defeat (a) they cannot then vote upon (b) or (d) because (b) and (d) depend upon paragraph (a). So that if there was a vote on paragraph (a) which was defeated that would strike out (b) and (d) at the same time.

**Deputy S. Pitman:**

Can I suggest if we take parts (a), (b) and (d) together and then part (c) separately?

**The Bailiff:**

Very well. Would you like an appel?

**Deputy S. Pitman:**

Yes, Sir.

**The Bailiff:**

Very well, I ask any members in the precincts who wish to vote on the proposition to return to their seats.

**The Deputy of St. Martin:**

Can I just make it clear we are going to vote now just for (a), (b) and (d)?

**The Bailiff:**

(a), (b) and (d), Deputy. The voting is for or against paragraphs (a), (b) and (d) of the proposition. I ask the Greffier to open the voting.

**POUR: 7**

Senator S. Syvret  
Senator W. Kinnard  
Deputy A. Breckon (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S. Pitman (H)  
Deputy I.J. Gorst (C)

**CONTRE: 33**

Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator B.E. Shenton  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Brelade  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy J.B. Fox (H)  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)

**ABSTAIN: 0**

Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John

**The Bailiff:**

The vote now is upon paragraph (c) and (e). Just (c), I am sorry. May I ask the Greffier to open the voting?

**POUR: 17**

Senator S. Syvret  
Senator L. Norman  
Senator P.F. Routier  
Senator B.E. Shenton  
Connétable of St. Ouen  
Connétable of St. Mary  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville  
Deputy P.V.F. Le Claire (H)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S. Pitman (H)  
Deputy A.J.D. Maclean (H)  
Deputy I.J. Gorst (C)

**CONTRE: 23**

Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Brelade  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy P.N. Troy (B)  
Deputy J.B. Fox (H)  
Deputy P.J.D. Ryan (H)  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy of St. John

**ABSTAIN: 0**

**The Bailiff:**

I think paragraph (e), therefore, falls away.

**3. Draft Social Security (Reciprocal Agreement with Ireland) (Jersey) Act 200- (P.97/2007)**

**The Bailiff:**

We come finally to P.97 - the Draft Social Security (Reciprocal Agreement with Ireland) (Jersey) Act 200- in the name of the Chief Minister. I ask the Greffier to read the long title.

**The Greffier of the States:**

Draft Social Security Reciprocal Agreement with Ireland (Jersey) Act 200-

**3.1 Senator Walker (The Chief Minister):**

I have already apologised to the House for not being here when this item was called the first time. You were not in the Chair when I did that. Can I extend my apologies to you as well, please. Sir, this is I think a straightforward proposition, non controversial and should be warmly welcomed by the House. Basically it is a proposition in support of Irish citizens working in Jersey, of which there are currently some 1,800. It follows on 20 or more - in fact in excess of 20 - similar agreements with countries such as the UK, France, Portugal and our sister Islands of Guernsey and the Isle of Man. The agreement for Irish citizens basically takes three forms. The first is that it determines the country in which a worker will pay contributions. The second is that it protects those workers who fall sick before they have paid sufficient contributions to qualify for benefits in a country they are now working in. The third, and probably to many the most important, will allow pensions to be exported between the two countries. The convention closely follows a model bilateral agreement between the UK and Ireland that has been developed over the years to now include Jersey and Guernsey. The convention relates solely to matters of Social Security which are based on contribution, liability and contributory benefits. It does not include provisions for health services or other supplementary income support benefits. There are no costs or manpower implications. This will bring effectively Irish workers in Jersey into line with workers from many other countries with whom, as I have said, we already have similar agreements. It is time that Irish workers were covered by the same provisions. Sir, I make the principle.

**The Bailiff:**

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

**3.1.1 Deputy P.V.F. Le Claire:**

I welcome this and congratulate the Chief Minister for bringing it. Just one brief question if I might. Which are the other countries Jersey has yet to do this with and in what priority are we going to be doing it?

**The Bailiff:**

I call upon the Chief Minister to reply.

**3.1.2 Senator F.H. Walker:**

I thank the Deputy for his comments. I cannot give a comprehensive list of which other countries that have yet to apply to. What I can say is that we already have these agreements in place for the larger groups of immigrant workers in Jersey. This is a necessary addition. But I will certainly get that information for the Deputy if he would like to receive it. Sir, I maintain the principle.

**The Bailiff:**

Those members in favour of adopting the proposition, kindly show. Those against? The proposition is adopted.

**Deputy P.V.F. Le Claire:**

May I thank the Chief Minister for his offer and may I please request that I do indeed get told which countries and which order. Perhaps he might want to circulate it to all States members.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**4. The Bailiff:**

We come to the arrangements in public business.

**Senator W. Kinnard:**

Sorry, to interrupt but I was asked yesterday a question from the Deputy of St. Martin about the numbers on community service. I do have the answer and I wonder if I could just give it now. Is that okay? It is between 75 and 100 individuals, Sir, at any one time is on community service.

**The Deputy of St. Martin:**

Can I thank the Minister? Again it proves the point that those people could be in prison. I think what the Community Service Order is doing is doing a good job serving the purpose.

**The Bailiff:**

Now we come to M: Arrangement of Public Business.

**4.1 Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):**

I would like to propose the list that is on the pink consolidated paper for 25th September with a number of alterations or additions. The one alteration, Sir, is that the Draft Goods and Services (Jersey) Law P.121 which is listed for 23rd October is moved to 20th November.

**Senator T.A. Le Sueur:**

As a result of my acceptance of Senator Norman's proposition yesterday we said it will not be making an Appointed Day Act before the price marking legislation.

**The Connétable of St. Clement:**

The addition, Sir, on 6th November P.142 which is the Draft Electricity Link with France: Protection of Submarine Cables (Jersey) and three additions on 20th November: P.143 the Income Support Scheme Deferral Introduction, P.144 the Draft Community Provisions Ship and Port Facility Security Amendment and P.145 The Health Insurance Exemption Card Free Bus Travel and Activity Cards.

**Deputy J.A. Martin:**

Could I just ask to have a few words for leave of the House? The two propositions from the Health, Social Security and Housing Panel, P.143 and P.145, are standalones and are timed out so really do need six weeks for lodging. I would like to propose that it is put to the House that P.143 and P.145 are taken at the same time as the whole proposition of regulations and orders of income support on the 9th. Sir, I know it is short notice. As Chair of the Panel I think there are so many fundamental questions that need answering. We have had to bring this proposition. It can wait but I think for order to have a full and frank debate, obviously I wait for comments from the Social Security Minister, I would make the proposition and ask the leave of the House to put this on the agenda for 9th October at the same time the whole of the income support is proposed.

**Deputy G.W.J. de Faye:**

I would like to speak against that. P.145 throws up an enormous number of difficulties because it is an entirely anomalous situation where we have effectively the abolition of HIE (Health Insurance Exception) cards. Quite frankly how on earth is a local bus service going to know who the people are. I am going to have to talk with Social Security and ESC (Education, Sport and Culture). I really do not think that all those discussions can be completed in a time period for 9th October.

**The Bailiff:**

Deputy Martin, can I just draw your attention to Standing Order 26(7) which provides that the States may reduce a minimum lodging period which is six weeks in this case if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its effect.

**Deputy J.A. Martin:**

Yes, Sir, I fully accept that Deputy de Faye has not probably read P.145.

**Deputy G.W.J. de Faye:**

I have, Sir.

**Deputy J.A. Martin:**

I accept that might not be urgent and is asking just the Ministers for Transport, Social Security and Education to sit down and come forward with a scheme that does not do away with benefits. That is all that one asks for. But P.143, Sir, we do think comes under the Standing Order you have just described. It is so fundamental that we discuss this in a whole. If it goes through, Sir, we will bring in a new benefit system. It is for the House to decide, with all the information, whether they want this deferred and brought back and have some more serious work done on it. If it is not discussed at the same time I think the House is in a very, very strange position, Sir.

**Senator P.F. Routier:**

At our next sitting I am asking the States - we have had down for some time the Regulations which I am asking the States to approve that we take on that day. Further on there is a debate regarding the Appointed Day Act which I am sure if the Scrutiny Panel wanted to make any points with regard to the introduction of the Income Support Scheme they could make those points very validly at the Appointed Day Act debate. Members could have the opportunity to have the information which the Scrutiny Panel have put forward in their propositions, Sir. I think that we can have a full debate about income support on the 9th. That is probably the best way to go about it.

**The Bailiff:**

When you say 9th, do you mean 6th?

**Senator P.F. Routier:**

9th October.

**The Bailiff:**

9th October, I am sorry.

**Deputy G.P. Southern:**

I do not understand when we will be talking about the Appointed Day Act. Can I just clarify?

**Senator P.F. Routier:**

On 9th, Sir. It is down for 9th.

**Deputy G.P. Southern:**

Then can I ask a question of the Minister, is he saying that it is acceptable to debate this proposition P.143 on the 9th but he is suggesting only in the context of the Appointed Day Act? That gives no better debate than where it belongs I believe because it does point out the fundamental flaws in what is being proposed on income support. The full debate needs to take place on the Regulations and on the consequences of them in that they will if we accept the proposals of the Minister without serious amendment, we believe that we are due to have five years of chaos in income support and expensive reform with a system that will probably be abandoned in fairly short term. It is a serious matter.

**Senator P. F. Routier:**

I am absolutely flabbergasted at some of the statements which the Deputy has just made. We are obviously not going to have a debate about income support now. I appreciate that. Members will have the opportunity to debate the Regulations in full. I am confident that what we are bringing forward is something which is appropriate for what we require in this day and age. Members will

have that opportunity to debate that. Obviously the Income Support Scrutiny Panel do have a different view. We will debate that during the regulations, Sir. I maintain that we must be debating the Regulations on 9th. The Appointed Day Act may be an opportunity for the Scrutiny Panel to have their view then.

**The Bailiff:**

Deputy Martin, you have to satisfy the Assembly that it is a matter of urgency and importance and it would be prejudicial to Jersey to delay the debate on propositions P.143 and P.145. Are you making that proposition?

**Deputy J.A. Martin:**

Yes, Sir, I think it is so serious. I do think it will be prejudicial to a lot of people who are receiving benefits at the moment. I accept that the Senator says we can have a round about debate which will be not accepting the Appointed Day Act but if you agree, Sir, I would like to put it to the House whether we debate P.143 on 9th or we use the Appointed Day Act to basically debate P.143. Either way, Sir, I think we will have a discussion but I would prefer to do it openly on the proposition brought by the Scrutiny Panel.

**The Bailiff:**

Is the proposition of Deputy Martin seconded? **[Seconded]** What members are being asked to decide is whether it is in the opinion of the Assembly of such urgency and importance that it could be prejudicial to Jersey to delay the debate on the propositions of the Scrutiny Panel.

**Deputy G.W.J. de Faye:**

May I speak to that? Sir, I think in respect of P.145 it is important for members to understand that we are looking at a request for -

**Deputy J.A. Martin:**

I am not asking for P.145. I said I accept that that is not urgent. Just P.143, Sir, thank you.

**The Bailiff:**

Does any member wish to speak on that?

**Deputy A. Breckon of St. Saviour:**

If I may it just the clock really that is beating this because of the work that has been going on over the summer and the changes that have been made, some of which have been a bit of a moveable feast. I would suggest, Sir, that in remembrance of good order if the Minister is not prepared to move the Appointed Day Act then the House should take this measure and agree to it and have the debate with the full knowledge of the facts. What it will do in effect, Sir, if we do not do that it will rule it out. It will not be -

**The Bailiff:**

Deputy Martin, I have only just had sight of P.143. Is it not possible for the Scrutiny Panel to argue against the Appointed Day Act using all the material in P.143?

**Deputy J.A. Martin:**

Yes, Sir, I just said that offered a way around. I just asked if we could do it the other way round. To me it is the same debate. I am just asking for the House to which way they would rather do it. As scrutiny, as it has just been observed by Deputy Breckon, this has come late because we have had lots of things and we are still asking for lots of details from Social Security. Unfortunately we could not lodge before. Yes, we can have it that way, Sir, but I maintain the proposition that I put it to the House we debate P.143 which will be in the effect -

**Senator M.E. Vibert:**

Can I speak briefly on this? I think the Standing Order that only allows us to curtail the lodging period is for very, very serious issues. It seems to me that we can have the debate without breaking our own laws and that we should reject this proposition because we can have the debate and still maintain our proper lodging periods which we should have.

**Deputy P.V.F. Le Claire:**

Can I ask the Minister for Social Security what his objections would be, if any, to having this debate prior to the Appointed Day Act? Will there be an argument at that stage that we have to press ahead or will the Minister accept the Appointed Day Act can be put back?

**Senator P.F. Routier:**

The point I would like to make about the Appointed Day Act is that for the system to come into place in January, the Appointed Day Act needs to be made right away because there is so much work that needs to be done before people can know what benefits they are going to be receiving, the staff have to be all trained, everything has to be put into the computer system. There is a lot of work to be done between the States making the decision and people receiving their benefits. We cannot shorten that period any further than the debate day we are having next sitting. I ask members to continue with the debates. I am sure the Scrutiny Panel will have their opportunity to say everything they want to say during those debates.

**Deputy A. Breckon:**

What is the Standing Order on presumption of a proposition that is lodged but is not before the House? Is there something that says you cannot speak to something that is -

**The Bailiff:**

There would be nothing preventing members, Deputy, from referring to matters in the Scrutiny Panel's report in the context of the debate on the Appointed Day Act so that if Members were persuaded by the Scrutiny Panel or by matters contained in the report that the Appointed Day Act should be deferred then obviously members would refuse to pass the Appointed Day Act. What Deputy Martin is asking is that this proposition be debated before the Appointed Day Act.

**Deputy G.P. Southern:**

Just for the sake of clarity, in the debate on the Regulations if we have accepted that we may introduce this P.143 on the Appointed Day Act are we allowed - because in the Regulations we would be setting up the structure. Now P.143 says the structures are wrong; please do not set them up until you have mended them. It seems to me that is essential to the core debate and not just to the Appointed Day because we will have accepted a set of principles which we believe are seriously flawed.

**Senator P.F. Routier:**

I have to really object to the phrase "the structures are wrong". The States have put the structures in place in the law which we debated last year. What is coming forward...

**Deputy G.P. Southern:**

Can I have a second speech?

**The Bailiff:**

No, the Minister...

**Deputy G.P. Southern:**

I am furious, Sir.

**The Bailiff:**

I am afraid I cannot allow the debate to go backwards and forwards across the Chamber. I think the issues are quite clear. May I put the matter to the vote?

**Deputy J.A. Martin:**

Can I ask for the appel?

**The Bailiff:**

Yes. I ask members to recall the vote is for or against the proposition of Deputy Martin that P.143 be taken presumably before the other debates but on 9th October.

**POUR: 10**

Senator L. Norman  
Senator B.E. Shenton  
Connétable of St. Brelade  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy P.V.F. Le Claire (H)  
Deputy D.W. Mezbourian (L)

**CONTRE: 26**

Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy P.N. Troy (B)  
Deputy P.J.D. Ryan (H)  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)

**ABSTAIN: 0**

**The Bailiff:**

Are members otherwise content with the matters set out under M?

**Senator P.F.C. Ozouf:**

Just two brief things. In relation to P.121, the G.S.T. matters, I wish to just alert members to the fact that following the Senator Norman proposition and the Scrutiny Panel report I will relodge the Price Marking Law on Tuesday and ask for a debate on the 20th. That is for information for members, Sir. May I also request that P.114 which is currently down for 9th October is moved to 6th November as they all relate to the Financial Services matters. It is just easier to take them all together.

## **ADJOURNMENT**

### **The Bailiff:**

Very well. Are members content to approve all those proposals? Very well, that concludes the business for the meeting. The Assembly stands adjourned until 9th October 2007.