

### **3.10 Deputy T.M. Pitman of the Chief Minister regarding the basis for the conclusions of the Electoral Commission:**

Does the Chief Minister consider that option B of the Electoral Commission meets international standards outlined by the Venice Commission in that it proposes the votes of those in urban areas such as St. Helier, for example, would be worth less than others? If so, how does he believe this to be compatible with the Council of Ministers' commitment to promoting fairness as part of a strong and successful Island?

#### **Senator I.J. Gorst (The Chief Minister):**

The Privileges and Procedures Committee has invited the Assembly to submit the Commission's recommendations in a referendum in the form suggested in their final report. It will then be for Islanders to decide upon. Islanders may or may not wish to have regard to the Venice Commission's code of good practice in electoral matters, which I understand recommends the principle of equal voting power while also advising that geographical criteria and administrative or historical boundaries may be taken into consideration.

#### **3.10.1 Deputy T.M. Pitman:**

I do not know if Members have read the written answer to question 12 because frankly it is embarrassing and it is well worth reading in this context. As, I believe, having an accountant background, could the Chief Minister clarify something for me? St. Helier basically makes up around one-third of the Island's population I think it is fair to say. So let us suppose all the good people of St. Helier get up on referendum day and they all vote to say: "No, our equal vote is more important than keeping the 12 Constables in a job." Does the Chief Minister not concede that as a minority, they still cannot win that vote? They are relying on people whose votes are worth more. If so, will he be campaigning with his Ministers against option B as it is completely undemocratic? It is a loaded question and frankly it is embarrassing, almost rigging of a referendum.

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

I would refute the Deputy's allegations. I do not see how. This Assembly has got to approve those questions but the Electoral Commission have worked very hard to come up with them and therefore I hope that the Assembly will approve those questions going to referendum across the community. Every individual, as I understand it, on the Electoral Roll will be able to vote and give their preferences with regard to those questions and I see no problem with that. The Deputy is well aware of my longstanding position, which is supportive of the Connétables remaining in this Assembly.

[10:45]

#### **Deputy T.M. Pitman:**

With due respect, the Minister has not answered that part of the question. People in St. Helier cannot influence this even if they all vote against it. Does he not understand that as an accountant? It is just numbers. Sorry to push it but it is so important.

#### **The Bailiff:**

No, Deputy, I think the Chief Minister says he does not agree with you.

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

Yes, I do not understand how the Deputy can suggest that the people of St. Helier cannot influence the referendum decision. One could make the argument for every single other Parish but it will be an Island-wide vote so it will be up to each individual to vote their preferences.

#### **3.10.2 Deputy M. Tadier:**

Without getting into the substantive rights and wrongs of the changes which will come, will the Chief Minister perhaps expand on the fact that he said it does not really matter whether or not option B is compliant with the Venice Commission because members of the public may not put much store by the Venice Commission. Does he not agree that there is a problem here? If one of the options being proposed is not viable because it may well be illegal insofar as it contravenes our international obligations, for example, if we had a referendum on would you like to bring back the death penalty and there may be a resounding yes, but we would not be able to enact that because it is not legal under international law, so does the Chief Minister not think that this is an issue that needs to be addressed to make sure that all the options on the table are viable outcomes, not simply theoretical ones which some Members of the States or the public would like to see?

**Senator I.J. Gorst:**

I am not sure on what grounds the Deputy believes that the second question that the Electoral Commission is asking the Assembly to approve for referendum is illegal. As I said in my opening comments, the Venice Commission is a code of good practice in electoral matters and therefore it is not written in law. Of course, as I also said, it does recommend the principle of equal voting powers but it also recognises that there might be exceptions for geographical, administrative or historical boundaries. The other thing I think I should just say is it seems to me that one or 2 individuals who do not wish to see the Connétables remain in this Assembly, and that is obviously their political prerogative, are suggesting that voters within a large district will be represented by the Connétables of the other Parishes in their district. I do not see how that will be the case.

**3.10.3 Deputy M. Tadier:**

It is not a case of whether historical boundaries are represented. I myself provided a submission to the Commission which enabled one to keep the Constables and to keep Parish Deputies with perfect or near perfect distribution so it is not a case of the boundaries. Nonetheless, there was advice taken from the Commission by experts which talked about the 10 per cent rule which is an international norm and does the Chief Minister not think that it is strange that our finance industry quite rightly does all it can to take precautions to make sure that our international image is kept as high as possible but when it comes to politics in Jersey, we seem to put little store by making sure that we meet internationally agreed norms when it comes to political representation, either to do with the separation of powers or to do with the distribution of voter equity with regards to our urban and rural districts?

**Senator I.J. Gorst:**

I am not really sure that is a question for the Chief Minister (I am just one Member of this Assembly) about these issues. We will be having a debate in due course and that is absolutely right and I have no doubt that Members of this Assembly will be going out and about across the Island arguing for their particular approach on what they wish to see. The Deputy is right with regard to the 10 per cent and the 15 per cent and that is quite clear within the Venice Convention code of good practice and I will not reiterate what I just said about that code. I disagree. We have, I believe, arrived at where we are today with regard to the makeup of this Assembly through a long history and I believe that we should consider very, very carefully before we wish to interfere with that history.

**3.10.4 Deputy G.P. Southern:**

Does the Chief Minister accept almost universal dictum on referenda that a single straightforward question is the way to get a yes/no answer and a clear decision? At the moment, we appear to be heading towards 3 boxes on the paper, 3 options, and that is likely to produce a third, a third, a third, and no resolution whatsoever. Will he use his good influence on his

neighbour to make sure that we have a clear result from the referendum by insisting on a single question?

**Senator I.J. Gorst:**

The Privileges and Procedures Committee have brought forward for debate in this Assembly the final report of the Electoral Commission. I do not think it would be right for me to try and influence the Electoral Commission in that regard. They have made their report. They have published it. They have been quite clear. They have gone out to consultation on it and the Privileges and Procedures Committee, as I understand it, have accepted it and are asking this Assembly to approve those questions for a referendum.

**3.10.5 Deputy G.P. Southern:**

In the light of the Chief Minister's desire to retain the Constables in the Chamber, would he be happy with a no result from the let us keep things the same result from the referendum?

**Senator I.J. Gorst:**

I am conscious that I have been answering hypothetical questions all morning but perhaps that is one that I will not answer.

**3.10.6 Deputy J.M. Maçon:**

I notice Deputy Southern quickly bit his lip because the Chief Minister said that there will be the opportunity for the public to vote against, to say no, but the problem is that in ranking the different options, there is not an option to say no. There is only the ability to rank preference and so an endorsement of the status quo is not the same as a no. Does the Chief Minister acknowledge this?

**Senator I.J. Gorst:**

I suppose it could be argued that I would see quite clearly that an endorsement of the status quo is saying no to the reforms suggested.

**3.10.7 Deputy T.M. Pitman:**

I am sorry to say I think we have seen 2 Ministers today embarrass themselves with their answers. The Chief Minister talks about good practice and he seems to dismiss it as if Jersey should not be following good practice. So could he just at least tell the people of St. Helier why he and his Government think that their vote is not worth as much as some in the country Parishes? Perhaps the media will pick up on it. They have not done so yet.

**Senator I.J. Gorst:**

I do not accept that. Once again, the residents of St. Helier, the residents of all the 12 Parishes, will all as individuals be able to vote in the referendum and therefore I do not see that the Deputy's argument stands up.