

STATES OF JERSEY



STATES OF JERSEY LAW: QUORUM IN THE STATES

**Lodged au Greffe on 17th November 2009
by Deputy T.M. Pitman of St. Helier**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to increase the number of Members present necessary for the States to be quorate under Article 15 of the States of Jersey Law 2005 from 27 to 35;
- (b) to request the Privileges and Procedures Committee to bring forward the necessary amendment to the above Law.

DEPUTY T.M. PITMAN OF ST. HELIER

REPORT

It has been observed by many, both within the Assembly and amongst the general public, that this Assembly has seen a significant growth in the number of questions asked by Members; further still by the number and depth of propositions lodged. The reasons for this are likely two-fold – the bedding-in of the Scrutiny process and, indeed, an increased awareness from Members that to simply accept what is presented as fact on ‘face value’ alone is incompatible with a professional and democratic government. It may well be, of course, that suggestions that this later development has been significantly impacted upon due to many of those politicians newly elected in 2008 is also a key factor.

Whatever the key reasons underlying this, however, I share the view expressed to me by many members of the public that this development is inarguably for the better. Yes, there are occasions when some Members could be more succinct, but that is an issue for the presiding Speaker to control.

This development makes the further observation that this Assembly has also seen a significant increase, not only in a number of Members being regularly treated with complete contempt by mass exoduses to the coffee-room upon them rising to speak; but as a direct consequence, the Assembly actually often becoming inquorate, all the more disappointing. I further fully support the view put to me by members of the public that this should not only be completely unacceptable behaviour within a democratically elected government, but that this can do nothing if not undermine the quality of decision-making. What hope is there if we cannot even listen to each other’s argument?

Members who will manage to sit through an entire day of debate without once feeling the need for a few minutes’ comfort break will, I believe most people would readily accept, be few and far between. I believe this to also be wholly understandable. But the increasing practice of some Members sitting out whole speeches – often highly technical speeches at that – or even sitting out whole propositions only to return to hurriedly press ‘pour’, or as is usually the case in these instances, ‘contre’ when it is a backbencher’s proposition, cannot be acceptable in any shape or form to anyone who genuinely cares about the democratic process.

I repeat – this behaviour undermines public confidence in government significantly. It also further supports the concern felt by many that some within the Assembly do not enter the Chamber with the ‘open mind’ ready to be swayed – or not – by the quality of the argument that should surely be a prerequisite for any politician within a democracy. To this regard it was recently suggested to me by a journalist that if the States Sittings were not only covered on the radio but also screened live on TV, this behaviour would very quickly come to an end: for the electorate could surely not fail to be shocked and appalled at the regular number of empty seats.

Let us also be quite honest here. Though as we are all aware the proceedings are piped into the coffee-room and other areas of the States building, the argument that all who sit out speeches/propositions are still always intently following the debate is wholly without merit. Indeed, I have personally come across many instances where Members have been paying no attention to what a speaker was saying in the Chamber whatsoever; even being openly contemptuous of certain speakers because they ‘spoke for too long’; ‘put in too much information’; or because ‘I’m a Minister/Assistant Minister so I have to vote with the Executive regardless’.

My proposal will help ensure that Members do at least get to hear far more of the arguments being made within the Chamber. I accept, of course, the truth of the old adage that you can lead a horse to water but you can't make it drink. Nevertheless, though I'm afraid that I too share the view that some Members hold the views of others in complete contempt, being forced to listen to more of what is being said in the Chamber might just change the views of some. Being present for debates wherever possible is also surely what every voter should be entitled to expect.

I have set my proposed increase for the quorate number at 35 – an increase of 8 – for two specific reasons. Firstly, I believe that it still more than adequately allows for the possibility of some Members being ill or away on official business. Secondly, I believe that it simultaneously appropriately discourages the prospect of members being tempted to disappear for long periods at the risk of this causing the Assembly to become inquorate. To any who would suggest that this number is too high, I would reiterate the following: in accepting my proposition this would still leave a situation where a full 18 Members were ill or away on official States duties before a Sitting would be halted.

It is my belief that the only Members who could object to the proposition or dispute the positive benefits inherent in raising the quorate bar from 27 to 35 would be precisely those who really do come into a debate with their mind set upon voting according to who might be speaking or bringing a proposition – rather than the argument at hand.

Financial and manpower implications

I believe that there are no financial or manpower implications in adopting this proposition. Indeed, due to the likely consequence of a greatly improved quality of voting, and thus decision-making, there is likely to be a significant financial saving to the Island.