

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 14TH MARCH 2007

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

PUBLIC BUSINESS (resumed...)

1. The States sat in committee to discuss “Composition and election of the States Assembly: options for change” (R.97/2007) (continued...)

The Greffier of the States (in the Chair):

As the Members know, the Assembly is sitting in committee to discuss the issue of the position of the States and I invite Deputy Le Hérissier to speak.

1.1 Deputy R.G. Le Hérissier of St. Saviour:

One of the interesting issues is always the subtext to these debates and when Deputy de Faye said he wanted a rigorous debate I was reminded of, I think it was, Harold Wilson’s phrase that politics is essentially the exchange of prejudices among people. I am guilty, of course, as anyone else. It is very interesting to give some historical context. In fact, it could be argued that the absence of political parties has been much shorter in Jersey’s last couple of centuries than has the presence of political parties. If you read, for example, about 2 giants of the 19th century, one the Constable of St. Helier’s favourite, Pierre Le Sueur, who was commemorated at the Broad Street Obelisk, and a chap called Françoise Godfrey. He was very interesting. He put himself forward as a classic Jerseyman. You know, do not give an inch; fight every inch of the way and do not let all these namby-pamby liberals, wets, radicals and pinko’s get a word in edgeways; they were not quite the terms of abuse but we have obviously improved in recent years. Interestingly enough, he was a contradiction in terms and in some respects I think we all are. It was largely through his efforts, it was recorded in one article, that the Deputies were brought into the States as a strictly political office, not as a Parish representative office so to speak. It was quite interesting when they were brought in, and Deputy Hill referred to this a couple of weeks ago, that the bias towards the country remained. There were 14 Deputies: 3 for St. Helier and then one each for the outlying parishes. It was stated that Godfrey, in fact, knew where his support lay and he made sure that he was not going to destroy the trust that the rural system had in his ability. It was very interesting because he then clashed with Pierre Le Sueur in 1834 and they attempted - at a place called the Regent Road Theatre - to form a radical party. Basically, they wanted to adopt a more Anglicised form of government and we all know where that road has taken us. I am always reminded of the supreme paradox in Senator Syvret’s views, and it is a pity he is not here, when he usually dismisses the *Clothier Report* as a warmed-over version of the English Local Government Act 2000 as a resonance of that kind of thinking. There was going to be political representation proportional to the town’s share of population but, of course, Godfrey in no way was going to follow the more radical precepts of our friend Pierre Le Sueur. It was Le Sueur, for example, who pushed for the members of the public to be allowed into the States’ debate; he raised the joining age of the militia from 14 to 18 and shortened the time prisoners were held before trial because he was a very active lawyer as well a very active politician. Very interestingly, it is Godfrey who is seen by some as the most powerful politician and - it is a side comment but a very interesting one - he died from apoplexy which some of us are always on the brink of. He died and in one of his obituaries it was noticed: “He had a savage energy which made his life tempestuous and tormented.” Again, I do not want to go too much down that road but it does demonstrate that we have visited these issues before. Senator Syvret again made a statement yesterday. He made a very brief statement about where power lay in the Island and said in 800 years it had never gone to the people. I think that was a slightly sweeping statement, if I may say so. Certainly, 1948 was the time when there were 2 very genuine political parties: the Progressives and the Jersey Democratic Movement. There was a total pent-up demand for reform that people who were here would remember, or who have read

about it. Of course, it was going to be the true demise of 2 of the 3 estates, possibly 3 of the 3 estates. The church and the judiciary were going to leave the States and they did bar the much respected presence of the Dean. They did leave the States after a great battle by the Constables. That was one of the great battles as was the battle over the Bailiff's role. They were the 2 great battles and those battles were revisited on the debate on the *Clothier Report*. There was a moment when Jersey had a chance to reorient its politics as it had over the years. I do not agree, quite frankly, with the Senator's rather sweeping interpretation of history. There was only one democratic movement person elected and that was, as we know, a chap called Steven Venables. Jersey people voted for the centre line. The Progressive Party won massively and there was one democratic movement person and it led, as we all know, to the year of the Krichiefskis, the Viberts and the Le Marquands. The interesting other fact, as we bemoan reduced turnout, is in the first Senatorial election the average turnout was 57.8 for the Senators. It then went down in 1972 to 45.8 and it has not shifted much because in 2005 it is at 42.5. In 1948 the Deputies - and I was not able to get the fully accurate figures - had a turnout of 63.5 because obviously the rural areas were always much better at the turnout. In 1972 that had reduced to 43.4; the decline was much more rapid. Now, as I recall, it is hovering around 35. So there has been quite a radical decline in Deputies but a much steadier decline - if I may use the term - with Senators. So we go on and on about decline but oddly enough we have never been great voters. Guernsey was mentioned but oddly enough before it went into the large constituency model, Guernsey did have a high turnout hovering in the high 50s and sometimes the bottom 60s, and the turnout as you saw from P.P.C.s (Privileges and Procedures Committee) paper I think is around 62 per cent in the large constituencies. So, where does that leave us? Deputy de Faye gave the classic speech with his usual sense of brio about retaining the *status quo*. But he was a very naughty boy because if you analyse his speech rigorously - which he requires us to do by his very own words - he talked about, for example, that we need rolling elections because he said we might get the Red Party. I had not remembered him discussing the role of political parties and I had not remembered him discussing red parties which, if one excuses the Planning Minister's standard colour of his socks, denote a certain political affiliation. So he very naughtily moved the discussion along to panic stations that if you did not vote for elections every year and allow a very, very gradual change over of power we would be faced with the classic "reds in the beds" scenario which has always been the fear that is wheeled-out at elections - if you get too much democracy you will get too many reds or too many pinko's or left-wing types in the Assembly. That has always been the code language about essentially we cannot have a party system. I will come back to that later. I think what Deputy de Faye did say also, and Senator Syvret, is why are we looking for reform? Well, the public complain an awful lot about the calibre of people but I think a lot of that was misdirected. I think they were going on about the wrong type of people just as the B.B.C. (British Broadcasting Corporation) Radio Jersey goes on about perhaps the wrong type of people attending meetings; the wrong type of people in the sense that if you were elected for Constable you are elected to be head of a municipality. That takes an awful lot of time. It leads to a certain orientation and it does not make you into a broad-based politician, for example. I think that is what was meant. I think Clothier also drew attention to the lack of contested elections because contests do lead to vibrancy; they do lead to clashes; they do lead to healthy tension. That is what he was saying, so therefore in no way can I accept Deputy de Faye's view that everybody is terribly happy because of the absence of elections. I think the third thing that Clothier were trying to do was they were trying to raise the political game of this Island and they were trying to say there should be much more focus on policy. I was asked by someone the other day what does my Constable think about the finance issue. I said I did not know for a start: "I suggest you go and ask them. Because he has never been through an election and so forth, I suggest you go and have a chat with them and find out what they do think." Certainly, Clothier talked about the lack of focus on policy and I think that is a real issue. The issue is that the honorary system used to be - and I was discussing it with one or 2 yesterday because I am not sure this is so much the case now - very much a personality system: who you were, the kind of network you had in the Parish, whether you had done good works,

whether you had come through certain kinds of organisations and so forth. To an extent that also applied, it has to be said, to the rural Deputies and even, perhaps, to some of the urban Deputies who made quite a good splash as personalities. So, how do we shift from personalities and get more policy? I think what had happened is Jersey had entered - and is still to an extent - into the politics of stagnation. We did get stagnated and there is no doubt there was not much of an impetus for change for the very simple reason that a lot of people had a very good life and have a very good life. A lot of the immigrants are people who are sweating away trying to get themselves established economically; they are trying to introduce themselves to the culture of Jersey and it will probably be a second or third generation process by which that is done. So you have vast numbers of people who were essentially, as long as we did not have a Communist revolution and who would have then felt impelled to rush out to vote, content to let the system carry on. Even if they did not have terribly much faith in our competence at least the thing was not falling apart and we were not having a revolution of the kind feared by Deputy de Faye. Then you had the core of activist people who we meet in the rural meetings and so forth who take a great interest and who, perhaps for other reasons, were getting terribly disillusioned with the system. Having said that - and that is some background - why did we need Clothier; and I do not think we should forget that. We are dancing a bit on the deck of the Titanic, playing around in a very limited way with some of these options. There is no doubt that we do need, in my view, real politics in this Island. We need mature politics. I was and still am a supporter of Ministerial government and I think, on the efficiency side, it has achieved some good things. I think it has rationalised resources, distribution in the States, and focused on the way overall we make policy; although we are still stuck in very general bland statements I think it is focused much more on that. Hopefully, at some point, it will focus on accountability although we still have, I am afraid, some way to go in that respect. There is no doubt it was a system that was designed to work with party politics; there is no doubt about that. That is the ghost at the banquet, so to speak, that we do not have party politics so we do not discuss issues in a mature way. We do descend - although our Westminster colleagues, quite frankly, are not that terribly over-mature compared to us - into personality factions very easily but, of course, we did in the 19th century with the Rose and the Laurels where people would not inter-marry as between those 2 parties, for example; where Parishes were divided on police and anti-police parties, basically on family names, and some Constables to this day wrestle with fractious honorary police organisations. I can see people smiling quietly on that regard. So we certainly have not got rid of that. We have got to raise our game and it has to be remembered that is what Clothier was after. The other thing we need to face is there is, quite frankly, a very effective spin machine put in place by the Council of Ministers. It is partly because Scrutiny is a much slower, deliberate, concerted process so it takes a bit of time to get running, plus we have our little family problems which we are working on in as amicable way as we can find. Having said that, if we have to take an option - and I am quite reluctant to do this - I have been thinking about this a long time because I was identified as one of the wreckers by people like the Deputy of Grouville, as I recall, and so forth. I have not chosen to comment on amphibious affairs yet which could be the final straw but I will make my waves in other ways. **[Laughter]** Having said that, I am inclined, although I do not like doing it, to move to option 2 of the Committee in the sense... but not with the low numbers. I think option 2 with the larger constituencies gives the chance for contested elections and that is what the public want. We struggled and struggled but we cannot find a way of having a Senatorial election for everybody, and I know a lot of people would want this because they feel people should be tested out in terms of answering on policy issues across the Island. I just do not see how the logistics of that could work although it is interesting that the recent Iraq election was done on an all-nation ticket, so to speak, which just boggles the mind. So maybe we are being a bit over-cautious in that regard. I think we need to raise our game. We need to focus much more on political issues. We need to be tested-out on those issues much more and we need to feel - particularly Deputies who feel... as much as Constables may be accused of hiding in little hidy-holes in the semi-rural areas, we need to see non-contested elections as a thing of the past because the public clearly like them. There is no doubt part of option 2 is the role of the Constables and my view is in a pragmatic way,

and I have spoken to a few of the people who have been pushing for reform. They were given the challenge of getting more involved in the Ministerial system and I must admit they, for the large part, have taken up that challenge. That challenge was posed. There were a lot of sceptics, myself included, who thought that they would not do it, they would stay buried in the Parishes, but they have risen to that challenge. They do provide the link to the Parish organisation and all feedback is saying that that is important. From that point of view I think that is the compromise to go forward. I am not prepared to have much of a smaller Assembly because I think that would exaggerate the voting bloc if such a thing does exist, and I think it exists probably on a crisis basis rather than on a regular basis, so I would see an Assembly of 47 to 48, partly in order to provide the kind of people needed for Scrutiny because it is proving to be an incredibly time-intensive business. So, option 2 in the sense of larger constituencies where people cannot hide as they do at the moment, where they, generally speaking, will have to face political contests and where there can be the retention of a Parish link. I think the people are tired of this debate. I think Members are tired of this debate and I am frightened that all we are going to do is just agree, as did our 2 friends at the back, on 4-year terms and a general election and not much more. That would be a terrible disappointment after all these years of pain; and we have to find a way of going forward. Quite clearly, there is not a perfect way; there is not theoretically an acceptable way and to me this is the best way forward.

1.2 Senator L. Norman:

Deputy Le Hérisier mentioned that generally speaking you get a higher turnout of voting at elections in Guernsey, and this is true, but I think it is worth mentioning that it is my understanding that in Guernsey they do not have, as we have, compulsory voter registration. Therefore, people who register are the ones more likely to debate and therefore you get a higher percentage turnout. Having said that, the motivation for change is not, or at least should not be about improving voter turnout. It should be about creating better democratic legitimacy and accountability. A better election turnout would, I am sure, be a positive effect of reform provided that reform simplifies the election process making it more understandable and therefore encouraging more participation. In most mature democracies a general election is the norm - a given - and why is that? Why is a general election popular? Why are people saying: "We want to have a general election?" I think there is only one reason for that and it is because it is the only way that the voters can make a real change. In our current system that simply cannot happen. I do not need to explain why; we know why that cannot happen. I think some of us have a different idea of what a general election is or could be. To my mind it is not just having everyone elected on the same day but rather it is having all Members elected on the same day on the same terms for the same length of time and on the same basis. If that is a crude idea of a general election the question then arises: "How do we actually do it?" Do we have all Members elected on an all-Island vote? I think most of us recognise that simply is not practical, to have 150 names on a single ballot paper. That just simply would not work. We could have the super-constituencies recommended by Deputy Le Hérisier's Privileges and Procedures Committee. I do not think that is generally liked because in many ways it disenfranchises particularly the smaller Parishes. If you amalgamate 3 or 4 Parishes the smaller ones might never get a resident of theirs elected to the States again. It does run the risk of destroying the Parish system and I believe the Parish system is important because our whole social, cultural and political life and history is based on the Parish system. To my mind, that is what we are left with. We can have a general election, we do not want to see the constituencies, we cannot have the Island-wide vote so that leaves us with the Parish system with all Members being elected on Parish or Parish district basis as Deputies are now, with a number of seats being distributed according to populations in the various Parishes. Some members of the public have suggested that the hybrid system we have - a part Island-wide vote/part Parish vote for the Deputies - should be maintained but with all elected on the same day and for the same length of time. If you stop and think about that, it simply cannot work. There would be some advantages in having the Senators and Deputies elected on the same day. It would stop, for example, the undignified spectacle of unsuccessful Senatorial candidates scurrying back to their Parishes for the Deputies election. The

real problem is why would any Deputy bother to run for an Island-wide mandate? Currently they do have an incentive and many of us in the Senatorial benches have indeed moved across from the Deputies benches in the past because we have had an incentive. We had the benefit of a 6-year term. Not only that, we had the safety net that if we were not successful we could, a few weeks after the Senatorial election, go back to the Deputies election if we so wished. To have the election on the same day with the same length of term, plus the cost of running a Senatorial campaign which is a lot more than running a Deputies campaign, there is absolutely no incentive for a Deputy who feels he can get re-elected in his Parish to run for a Senatorial seat. If he does not believe that he or she can get elected in his Parish he or she is not going to think he is very likely to get elected on an Island-wide mandate. So in all likelihood the only, or the majority of candidates, if we retained the hybrid system and have them all on the same day for the same length of time, would be those new to the States - people who have never stood before. I cannot see any advantage in that unless, of course, a candidate could stand for both Deputy and Senator on the same day and chance that he might get one of those posts. That, I think, would be most unsatisfactory. So that is what I would have; all effectively Deputies. But where does that leave the Constables? As I have said before, in many ways the Constables are the most important people in this Chamber but they are elected to do jobs and clearly those currently in office - as indicated by Deputy Le Hérissier - are totally competent to do that. We should divorce the current individuals and personalities from the post of Constable because I know, and I think many of us know, that there are people who would like to run for Constable and could be very good Constables indeed but will not stand because they do not wish themselves to be in the States. The opposite is true; there are individuals who have stood for the Constable's office simply because they wish to be in the States. If the Constable had the option it would no doubt increase the number of candidates, improving the democratic legitimacy of the post. I believe that any Constable once elected should have the choice of whether or not they stand for the States. They should have that choice whether they are successful at being a Constable, whether they are successful in a Constable's election or not. Even more importantly, not only should they be able to exercise that choice, the electorate should have the right to choose whether they want their Constable in the States or not. The reverse should also be true, that any States Member, Deputy or whatever it might be should be able to stand for election as Constable in his home Parish. That, I think, is a much more democratic way ahead. Should we have a referendum? It depends. I certainly would not want a referendum with 4 or 5 different options put for people to tick a box or whatever because that will only add to the confusion and the contradictions which have undoubtedly come over the many polls - both the formal ones and the informal ones - that we have had in the past. I believe a referendum is the right way forward if it is simply a yes or no vote on a States decision based on a recommendation of the Privileges and Procedures Committee of exactly the sort of reform that we want. Should we have a smaller States? Undoubtedly. Smaller, more manageable, more efficient and more cohesive; something between 42 and 45 would probably be about right. To be honest, unless we have the sort of reform on the basis that I have spoken about, I cannot see anything better than what we have and what we have is not particularly good.

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

Following on from Deputy Le Hérissier and Senator Norman, experienced politicians both and very wise in many ways, but, oh dear, the starting point is: "How did we get here and what are we doing here?" We are standing here in an in committee debate. I think we are largely wasting our time - the rehearsal of prejudices as Deputy Le Hérissier says. Having said that, it is fairly obvious where I stand. I have put my opinions and my way forward down in 2 propositions which I want to get on and debate and either win or lose at some stage. I want that to happen soon because what is clear, as Senator Walker was pointing out yesterday, is there is a clear mood for change in the Island. No action is not an option. Having said that, how did we get here? Well, Clothier said very clearly all those years ago: "Take it or leave it; do not cherry-pick" and what have we done? What have we got? We have cherry-picked. We did not even pick the best cherries, I do not think. What we have produced was this limp and tired and really quite sad document, I think, that until it was amended

by adopting option 5 did not even address the question of the role of the Constables which is absolutely vital to be addressed. Like it or not, that has to be addressed and it has to be addressed this time around. Option 5 appears there, on the piece of paper: “49 States Members, no Constables.” Clearly misleading. No Constables per se, *ex officio*, in their role as Constables but possibly between nought and 12 Constables having stood for Constable and been elected for Constable, whose standing is saying: “I want to be your representative in the States.” So, not even clearly and precisely and accurately defined. I am tempted by an F word; I am tempted by the word “fix”; instead I will settle on “fudge”. It is certainly a fudge, a mess, something that if you set a group of 14 year-olds to come up with a set of options to decide the future of politics in Jersey and they came up with this, they would not be getting many marks, would they? And the way forward? We have these options which have been put forward to people in a survey, a survey which was very badly conducted, where most of the people taking part said they did not have the faintest what you were talking about: “We have not read the document but we will answer your questions.” Great, the blind leading the blind up a blind alley in the dark. Yes, this is a lamentable document and I do not see the way forward. What is proposed in here, for example, in option one is 42 Members, Constables included. Well, I have done some work in Scrutiny and from the Back Benches. Thankfully, with the numbers game that we saw on a piece of paper yesterday, there were some spaces, one or 2, for people just to be a Back-Bencher. Well, I will tell you what I will be doing if that happens, 42 Members and the Constables in. I will be on there, a Back-Bencher, just chipping away when I feel like it because I would stop doing all this work that I am doing on Scrutiny. Senator Walker yesterday said: “I think option one is probably the best one; 42 Members and the Constables.” Well, he would say that, would he not, because he would not be getting effective scrutiny; he would not be getting held to account. He would not be getting any scrutiny and no accountability at all because it simply would not work: 42 Members in this House with, as currently constituted, Ministerial government in the first year of this change; we do not want to be doing that. That, I do not believe, can be made to work with the best will in the world. It simply will not work. Then we are told, after we have this fudge circulated around, some people were consulted with at a first meeting at which 10 people attended, a record only beaten by the Transport Minister himself who can only get 6 to a meeting to consult on something. **[Laughter]** It is ridiculous. Then we are told the way forward somewhere in the future is we are going to a referendum. Now, I will say this and I will say it only once: a referendum based on the current electoral register will be a joke, a sham and a shame. While it may well work, and you may have accurate electoral registers in the country Parishes, I guarantee that if you did the test in St. Helier in many areas you would be lucky if you found one in 3 people where they are supposed to be on the register. You would be lucky if you found them alive because I have done it. I have knocked on the doors in the estates and you say: “Is Mr. Harris?” and they go: “Oh, no, it was Mrs. Brown before me and I think there was a Mrs. Le Seelleur before that”, so that is going to be at least 4 moves behind. “Have not been here for years.” You say: “Mr. Harris?” and they say: “No, he died 3 years ago”, but he is still on the electoral register. That is the reality of St. Helier’s electoral register. I know what it is like in St. Saviour. Absolutely meaningless. What sort of turnout are you going to get? We talked about turnout today. Turnout is higher in the country Parishes simply because their register is accurate and people are keen to turn up. St. Helier electorate is different and the register is way off target. That is why we get completely pitiful turnouts; it is a completely inaccurate register. That is a fact; I know it to be true. If we have a referendum you will be lucky if you get whatever your threshold is, if you get anywhere near it. What is your threshold? A third of the people turnout and a third of those vote for one of the options. What does that do? Unless we have an accurate register and there is something come up; it is called the Population Register which is going to come into place, we hope, next year. Unless we had that register up and running, then is the time for referendum, when we might have a chance of getting something through that is accurate, getting the information to people and getting them to respond. So, I am afraid, I feel very disillusioned by the whole process. I do not know where we are going to go with it but if we do not get on with it in fairly short order, and I doubt whether we have time to get a referendum in and get things moving in time

for the next elections, we will be sadly letting down the electorate. We need to get on and debate these issues. I believe the Privileges and Procedures Committee should have taken a lead. They should have come up with a model and said: "This is what we propose", brought it to the House and said: "Either vote for it or do not; amend it, change it, bring your own model, let us decide." We should be deciding now not just having a friendly chat in committee; this is getting us nowhere.

1.4 Deputy R.C. Duhamel of St. Saviour:

I hope what I have to say will be taken positively rather than negatively. How many ways are there to skin a rabbit? Quite a lot. In solving any problem - and I hope I am not teaching my grandmothers how to suck eggs - you start at the beginning. You address what it is you want to address. You write down a whole set of things that you are going to have as starting points and I think some of the starting points that have been considered are these. We are thinking about reducing overall numbers. It has been mentioned that there are too many Members in the House and it has been suggested that perhaps a reduction to more manageable proportions might be something that we should be looking at. I would agree. The second thing that has arisen is how do we balance or re-balance the representation that has got slightly out of alignment? A number of comments have been made. Is it fair - and I am not picking on the Constable of St. Mary as a person but he has been used as an example - that a person can be elected on St. Mary on a very small mandate and have the same rights, privileges, freedoms and have the same chances of going for particular jobs in the system? Some people think that there is an element of unfairness in that so balancing or re-balancing the representation to more manageable proportions and trying to equalise across all the electoral districts is something that we have put on our list of things that need to be looked at. The other thing that is very important to pick up on - the falling interest in people voting for us or for their political system - is to re-establish and bring back to the people an interest in their government. That is why we are doing it. We want to revitalise the system in some shape or form. One thing that I think has been missed, although it has been hinted at by a number of Members, is we would like to have some greater focus or emphasis on policy on re-establishing democratic legitimacy - we all want to feel loved and wanted and that is one of the things that keeps us in the job - and accountability; we want to be more accountable. So what are we doing? We are trying to re-establish how we go about all these things and I think we have allowed ourselves, unfortunately, to miss a lot of the points. There are very simple ways that we could apply to address nearly all of these questions in a much fairer way. In order to do that we have to start again at the beginning; not back to the days of the Ark or Noah, but go back to the 1948 election changes and consider why we set up Senators. We heard from Deputy de Faye that one of the ideas that he had was to have rolling elections in order re-establish a 20 per cent proportion on a regular basis. Why do we set up 6 elections for 6 Senators in the form that we have set it up? Why do we set up Members and call them Senators? They were the senior Members of the House and in essence the idea of the government changes at that time was to allow a number of Members to take the senior positions. What has happened in the intervening period is that if you go back over the records we have had eminent Constables, eminent Deputies and eminent Senators take over the reigns of the presidential positions and run committees; everybody has made a contribution but in essence the real reason for setting-up the Senators was not strictly enforced or applied. Part and parcel of establishing an Island-wide mandate was to take into account that particular function of the Senators. People at that time recognised that it was a different job and they felt that it was vitally important for those Members who were going to be heading up the senior positions in the House to go out to the public and explain to them in whatever detail the public demanded why they thought themselves suitable for that position. I think we have cherry-picked, people say we are where we are but we are missing this essential point. Clothier has moved us even further in the direction of establishing an accountability and a power system, if you like. We have moved responsibilities from individuals in this House to the Ministerial benches. In the main, for the first time we almost had a clean sweep,

all Senators being Ministers, all Ministers being Senators bar one. I think that is absolutely right in the context of Ministerial government because, as I say, it is still absolutely right that senior positions in government should be held by those Members of the House who are looked up to not just be other Members of the House but by the public at large as well. We are missing the point by talking about the elimination of the Constables' role or just concentrating on numbers. We are placing the wrong emphasis on the job. We could quite quite simply - and it does not require very much in terms of a change in the Law and it could happen very, very quickly - change the Law in terms of the elections. What we do at the moment - and I consider it is back to front - is that we vote for Senators to be leaders of the House, although we do not necessarily imply that there is going to be a Ministerial job for them, but perhaps times are changing. We then go out and populate the rest of the States Chamber with the Deputies. Now I think that is back to front. What we should be doing is saying to ourselves, right, well, let us vote for Members of this House first, which is logical. It does not really matter how we do it. The Constables could be elected not as Constables to this House, and it is the definition that counts. I think we should not get too hung up on our titles or descriptions: if we consider ourselves to be Members of this House first it does not really matter, it is a bit of side issue, as to whether or not the Constables are in as a Member of this House or not in as a Member of this House. The key issue is that we elect Members of this House to be Members first of all, so in that way I think the Deputies' election, with or without Constables automatically returned to this Chamber - it is another issue, it does not have to be sorted out as yet - is the first thing that we should be doing. Now all that is required is to change the electoral Law so that we hold the Deputies' elections first. What happens then? Well, having established a number, and I think there is room in the argument to reduce the numbers by being a little bit innovative about it, we have to ask ourselves, do we want to retain the Island-wide mandate? And for the reasons I have described before I think we do because we would like as many Islanders as possible to be party to the discussions as to what makes us tick. Now we heard from Deputy Le Hérissier and he was asked what made his Constable tick on finance matters. I think these are legitimate questions that are asked of individual Members that the general ideas that we hold are not widely understood or even thought about or discussed by the general public, and I think they should be. They would be under a party political system because politics is about policies and that is the meat and drink of the job. But in Jersey we seem to have drifted a little bit away from that towards the personality side and I think it is about time that we brought it back to the centre. So what could we do? Well, do we want to retain an Island-wide mandate? I think the answer is yes. Do we want an Island-wide mandate to be put forward in a form that is totally unworkable? Obviously no. And I think, in essence, the Island-wide mandate, as I have said before, was set up in order to establish senior Members of this House to do a particular job, and I think that could still happen. So what would happen? We would vote for Deputies or Members - whatever you want to call them - of this House and I think with the current structure for the electoral system there would have to be a second election but we have got a second election so there is no change in that respect. But the second election would be run sensibly for those Members having been elected to this House to put themselves to the Island on an Island-wide platform to be considered to be a senior Member for a Ministry. Now that would not necessarily have to imply a particular Ministry but it might. It would be up to the individual preference of the Member wanting to put his or her name forward into the hat for consideration to be seen to be a senior Member capable of running a particular Ministry. So, as I say, it is quite a simple system. It could happen very, very quickly. We just turn the elections back to front, we redefine, and this is the sneaky part of it, the Senator's job to be something that is a title that we take on as a Member of this House. So at a stroke, if you think it through, we can knock out 12 jobs. We do not have to establish in their own right 12 Senatorial positions ostensibly to do the jobs, we just take over that mantle as Members of the House. So we can achieve the 42, if you want, or perhaps a few more because I think there are some real problems, certainly in terms of balanced representation, as I mentioned earlier, particularly in St. Clement and one or 2 of the other Parishes. I think by doing that we solve all the problems in one go and pretty neatly and pretty simply with the minimum of input. We do not need electoral

commissions, we do not need wider constituencies. We can retain the historical and the heritage aspects of voting for people within their parochial districts until such a time as we feel that a greater change or a need for a change is evident. Now I think by doing that we solve the problem in a fairly neat way. Let us be clear, we would not be getting rid of Senators or Constables, we are just redefining the roles. So Constables can still be Constables, Senators would be Senators but we would all be the one thing that binds us in this House, and that is Members of this House with other titles. I think that is the way that I would solve it and I would certainly recommend that it be solved. Just a quick word on democratic legitimacy. If we are going to stick with Ministerial government, and I am assuming that we probably are going to, there are some unanswered questions that really need to be looked at in terms of where the power resides, and this was alluded to by Senator Syvret but not in any great depth or detail. We were told, Sir, that in the run up to the debate for Ministerial change that the central decision-making powers of this House would remain unchanged. I think there are certain anomalies within the Law, as it stands, that need to be looked at but I think, Sir, if we do move in this direction of identifying ourselves first and foremost as Members of this House - as I said with the different titles within it to reflect the level of seniority that is conferred upon our membership in particular directions - then even some of those problems that are developing within the States of Jersey Law might well be able to be overcome. I think I have probably said enough, Sir, and will probably, in the intervening period, seeing as we have been afforded another opportunity to bring forward amendments, I think that I might well put forward what I have just suggested as an amendment for the debate that is to come.

The Greffier of the States (in the Chair):

I just say to Members, I am noting down the names of Members indicating they wish to speak. I have quite a long list so any Members who have indicated, I will not overlook you but I currently have 8 or 9 people waiting to speak.

1.5 Connétable G.W. Fisher of St. Lawrence:

Just some thoughts really about this thorny problem, if it is a problem. The first question is do we really need to change? Yes, there seems to be from the surveys and we see it in the media as well, there seems to be some dissatisfaction with us as a body in the way we operate. However, I think one should also bear in mind that 80 per cent of the people in this Island are satisfied or very satisfied with the Island and living here. That must have something to do with the way we operate as well, I would suggest. So I am wondering whether, in fact, the sort of changes we are talking about are really necessary but maybe they are. If there has been a suggestion that we should have one general election I think P.P.C. need to give some very serious thought, if that is going to be a proposal, as to how we would have one general election in practice. Now I am not saying we necessarily have to stick with the present arrangements but assuming we continue to have Senators, Connétables and Deputies in the States, at present we have a nomination meeting for Senators at the Town Hall Island-wide. Then we have a nomination meeting for Deputies in the Parish Halls, or whatever, at the appropriate centre; and we have the same with Connétables. Right, that is as far as the nomination meetings are concerned. Now let us think about the actual campaigns where everybody has got their posters up advertising that they are going to do one thing or another, maybe they are knocking on doors, maybe they are advertising. Then we get to the question of what about hustings? At the moment we have hustings around the Island for the Senators, we have hustings around the Island for Deputies and we have hustings around the Island for Constables. Gosh, 3 lots of hustings. Now maybe we do not need that, maybe we could find a way round that. But nevertheless it is all getting very, very confusing in my mind and I am sure it will be even more so in people outside the States as to what are these meetings all about? Who is standing for what? Who do we vote for? It seems to me that the idea of an Island-wide election is very attractive but if you are talking about 3 different classes of States Member then it becomes very confusing. Not to mention the actual election itself: I will not mention that because I think everybody has more or less recognised that. But the lead-up to the election could be extremely confusing and I think a lot of

thought needs to be given to that. That is the practical side of it and it is very easy to say: "Oh well, okay, let us just agree. We will have an across-the-Island election, Island-wide" but how is it going to work in practice without confusing the electorate. Now a lot of people have said: "Well, why change?" and they have said: "Well, because we need to encourage elector turnout." Unless we are extremely careful I think we could discourage elector turnout because unless we can find an effective way of doing all those things, having nominations, having hustings, *et cetera*, across the Island for 3 different classes of Member all at the same time without confusing the electorate I think there is an extreme danger that, in fact, we go the other way. We would turn people off. They would say: "Well, I do not understand what is going on; I am not going to vote." Now maybe I am seeing problems where there are not any but I really would like somebody - and I think it is P.P.C. - to sit down and think about how this would work in practice because I cannot see it myself. I have not sat down and put a cold towel on my head to work it out, but I am sure somebody needs to do that. Talking about the Connétables, I have got a particular interest in being a Connétable, it is quite often mentioned that the Connétables have a right to sit in the States and they are elected with the right to sit in the States: "Okay, well I am off, cheerio, carry on." That is not the case at all. I have an obligation to sit in the States. It is a different thing. It is not like a right where you can just pick and choose and say: "Well, maybe I can go sit in the States today, maybe I will not tomorrow." The Connétable is as much a States Member as anybody else. Has exactly the same responsibilities and has the same role to fulfill, in addition to running the Parish. But it can be described as 2 separate jobs and in some ways it is. The role in the States is very different to the role in the Parish, or is it? Actually, we are all representing our electorate. Now one of my Deputies mentioned that he was elected by 1,000 members of the electorate in St. Lawrence. So was I, first time round. I was not the second time round and I will admit that. I was called upon by a party who asked me to stand again, I was very flattered by it. Probably erroneously I said yes, but nevertheless there was nothing to stop somebody else standing if they wished to. Nobody was banned from standing. So I feel I have as much right to be in this Chamber as anybody else in a position, and there are Deputies, particularly - I do not think Senators - but there are Deputies in this House who have not faced an election last time round in the same way as Connétables. There are Connétables who will face elections, and my colleague on the right here is going to face an election, although he has been through an election already when he was re-elected without opposition, but he is facing an election next time round. So it does happen. So this is a myth that Connétables do not have to face election from time to time. It is no different to certainly some of the Deputies. I think we should keep the Parish system. I think the Parish system, as Deputy Norman said, is basic to this Island. It is part of our heritage, there are so many aspects of Island life that are based on the Parish and the Connétable has a particular role and the Deputies have a particular role in their Parishes, or in their districts. They vary I am sure because everybody's approach is different. Some are more approachable than others and they will get involved in various aspects within parochial life or whatever. But I think there is nothing wrong with the present system and the way that that works. I think, just going back to a general election if I may say so, the only way it seems to me around this problem - unless P.P.C. can come up with a solution - is that whereas a general election across the Island in my view would work if we had one class of Member with exactly the same terms, I do not see that it is going to work terribly well in any other case. It has been suggested that we should make some small changes. I am not sure; it depends on those changes. If, for example, we reduce the number of States Members from 53 to 49 do we really think that will stop people saying the number of States Members should be reduced? I think it will make no difference at all. Certainly if we do not need 53 and we can get away with 49, that is a different issue altogether. But if we are doing it just as a sop to the electorate then I think that is the wrong approach to take. On the other hand, if we do not just make small changes but we make extensive changes that is a much more high-risk strategy. In any business situation you keep changes to a manageable level so that you can see whether in fact those changes are effective or not. As I say, if we go down the road of a general election with 3 classes of States Members and we do not have the whole thing thought out properly upfront, we could go and shoot ourselves not

in one foot but in both feet. But maybe if we do think that there should be some sort of change, we should be seen to be doing something, then maybe we do look at 49 but I think we have got to do that for the right reason. Perhaps we can do as Senator Shenton suggests and reduce the number of Senators to 8. But we still have the problem about the Island-wide mandate and the parochial or district, even if you call it a district, one against the other you say: "Well, how are you going to handle that in practice so you do not confuse and turn off the electorate?" Talking about districts as opposed to Parishes, I think there are a number of downsides to that. There is an attraction to it. But if you are going to have districts why do you not just go for the whole hog and say Island-wide, everybody the same? Anybody in the Island can stand to represent the Island. Do they have to represent a district or a Parish for that matter? On the other hand, if you do that you lose a lot of value of the present Parish system whereby people can relate to individuals in their Parish who hopefully will understand more readily their particular problem and help them with it. So I am not in favour of the idea of new electoral districts. I think that is just creating a new situation, more bureaucracy and so on, and unless you end up with one class of States Member right across the Island then I think a general election is fraught with risk. But I am not saying we should not do it, but I think what we should do is be very sure before we do it that it is going to have the desired effect. I am not sure that any of this we are talking about is going to necessarily have the desired effect. We are told that the reason for doing it is voter turnout and we have got to improve that. We have got no proof that if we go down the road of any of these things that it will have that effect at all. There is no proof and I realise there cannot be. But it is not a given. I come back to this statistic shown in the M.O.R.I. (Market and Opinion Research International) poll of 80 per cent of people being satisfied. Then I look at the dissatisfaction with the States, now is anybody happy with their government anywhere in the world? I suspect very few people are. If they are asked the question: "On balance, no, I am not very happy." It is not helped by the media because the only way that the electorate really get a flavour of what is going on is by reading the newspapers, listening to the radio, looking at television. We all know that good things are not as interesting from a media point of view as bad things. It is just life. It is the way it is. No news is good news is the saying. But good news is no news. So there is a little bit of good news that is reported almost in a jocular sort of way. But does anybody go out of their way to report really good things that have happened? I think people tend to make interesting stories out of little things perhaps that have gone wrong, and nothing is going to go right all the time, that just is not reality. So dissatisfaction: I am not sure. The 2 do not go hand in hand, do they? Eighty per cent of people are happy to live in Jersey but something like... I have forgotten what the percentage was now - but quite a large percent are dissatisfied with the States - it is about 50/50. Well, you know, they are not satisfied with the States because we are talking about introducing G.S.T. (Goods and Services Tax) - or whatever it might be - environmental taxes. But maybe the result of those environmental taxes will be a better environment, hopefully. It will be. Which improves the satisfaction with living in Jersey so we can look at statistics until the cows come home but I do not - that is perhaps an unfortunate phrase at the moment - nevertheless I think statistics can be misinterpreted or relied upon too much, and after all at the end of the day the feedback is from a very small percentage of the population. Where does that leave us? Well, maybe we reduce the number of States Members to 49, perhaps. But why are we doing it? Does it really achieve anything? Yes, it could achieve the saving of 4 lots of Members' pay no doubt, so that is perhaps worth considering from that point of view, but it has got to be for the right reason. We could have one Island-wide election for Senators, Deputies and Connétables. I have the feeling that it would be a lot easier if we had an Island-wide election for Connétables but at a different time. It would help the problem of having Island-wide elections and how we handle them. But, you know, that is more to be thought about. Referendum: bit worried about that because referenda depend very much on the questions that are asked and how they are framed and one can read all sorts of things. We have got these M.O.R.I. polls and we have all tried to read meanings into the results already without going as far as a referendum. We, in this Chamber, have a fair idea about what is required in this Chamber. We do not necessarily do everything the best way, the most efficient way that we could, and that is

something that perhaps as a separate issue we ought to look at. Do we operate in the most effective and efficient way? One of the reasons for Ministerial government was to improve that and to become more effective and efficient. It is anybody's view as to whether that is being achieved or not, but that was the reason for doing that. Is reducing the number of States Members going to achieve that? I cannot speak for everybody in this Chamber but I know that I am pretty busy and I have a boat in the harbour which I went out on 4 times last year, I have not been out on it at all this year. I used to go out at least once every 2 weeks through the year. Now that is just my own sad little story, but nevertheless that, I am sure, applies to a lot of us - if not all of us - in this Chamber. The idea of a referendum, let us just come back to that. Can we honestly say - any one of us - that we knew exactly what was involved when we stood to be a Member of this House? Twenty hours a week says a certain Deputy over there. I was talking to a new Member of this House - if you can still talk about a new Member of this House, somebody who came in at the last election only the other day - and he said to me: "I had no idea the amount of work that was involved and the commitment that was required." I can say the same. I am sure we can all say the same. Now are we then going to just say to people in the street, who generally I have found - this is my own personal experience - have very little clue in reality about what we do in this Chamber, the amount of time it takes, the commitment that is required. Are we going to say to these people who, with the best will in the world, will do their best I am sure to answer any questions correctly as far as they are aware, are they going to decide how best to run this Chamber when they have never had the experience of sitting in it. I think that is a very, again, high risk strategy. So one other thing that has been mentioned is terms of 3 years, or 4-year terms. Yes, that could easily be introduced as a one-off. I do not have any particular views on that but maybe we could do that. But that really is not achieving a great deal. So all in all (a) I am not really convinced that... we keep regurgitating this issue time and time and time again. I have been in the House now for something like 4 and a bit years and I cannot remember how many times we have debated it. Each time it seems like we have dealt with it but no it keeps rearing its head again. I think one way or the other, what we need to do is if we are going to change let us get on and do it or decide that we are not going to and forget it, and let us get on with the job we were elected to do instead of fluffing around on this particular subject as we have time and time and time again.

1.6 Deputy C.H. Egré of St. Peter:

We have had people who have suggested to this Assembly that there is a clear mood for change. I offer a word of caution. There cannot be very many people in this Assembly or out there who cannot realise that we have just had one of the most major changes in reform of this States since the Second World War. We have moved to a Ministerial system. It appears to be moving forward but not without its teething problems, both in the Executive and in Scrutiny. We need to think very, very carefully in the way we move forward in any other major changes at this time. I might add I am putting forward my own views at the moment and not the general views of our Committee. We look for increase in representation of the electorate in this Island. As the previous speaker has mentioned, the majority - the vast majority - of people on this Island are happy with their lot. The difficulty with being happy with your lot is sometimes you become complacent and you do not take political moves any further forward. We have also a problem I believe in the way that the society of our Island has changed over the last 25/30 years. We have seen a huge influx of people from England, Scotland, Wales, Ireland, Portugal, Poland. All these people are recent arrivals in Jersey. And I say recent: over the last 25 years or so. The political heartland of these people still rests in their home countries. There are people, I am sure, from Scotland who are far more interested in Scottish evolution than they are in what happens in this Chamber. It would appear that more than 50 per cent of our Island are made up of such people. If the Island has this 80 per cent pure satisfaction they are not going to come to the voting table. Senator Kinnard yesterday mentioned the fact we were trying to get more women into this House. Well, when I came back to the Island some 11 years ago I attended a group called Profile in Politics whose role was to encourage

women - I have to say there were a few men that attended the course, it was not just women - to encourage them to join the States. I completed the full number of courses and at the end the whole group were asked who would stand for the States? Two people put their hand up, I was one and the other was a gentleman also. Efforts were made but you cannot force people to take up the role. If I can just move on to what we have been talking about today and the various reforms. I think it is at our peril if we interfere with the parochial system as it stands at the moment. The parochial system is the heart of Jersey. The running of the municipality via the Constable is the lifeblood of Jersey. It is our history, it is our culture. There are people I am sure who have come in from other countries who find it difficult to understand what we do in Jersey - this rather unique system. But I think it is unique and I think there is a lot to say for it. I am certainly a person who believes that when I vote for my Constable I vote for him as a Member of the States of Jersey and I would not want to see that tinkered with in any way at all. I see possibly the need for a 4-year term of office because as new Members will have found out it takes at least a year to settle into the environment that you are operating in and a 4-year term of office would help better continuity within the States. The Island itself, I believe - the people of this Island - still feel that there is a large place for the Island-wide mandate and I would agree with them. The actual democratic representation that we have via the Constable who you can vote for, via the Deputy that you can vote for, and by the Senator you can vote for gives you more democratic viability in some cases than England. Sir, to sum up, I again offer a caution to this house not to go for a radical change when we have already made that radical change. It needs time to bed-in.

1.7 Deputy S. Power of St. Brelade:

Being one of the newer Members of the Assembly I have listened with interest to the clamour - sometimes vociferous - of a group of people that want to change everything literally overnight. Can I say that in the 15-odd months that I have been a States Member I have not had one phone call about reform of the States and I have not had one letter about reform of the States, so I do not know whether it is me out of sync or whatever but I have not had much interest. Can I get back to the work of the Privileges and Procedures Committee and we are told by their M.O.R.I. poll that 75 per cent of the public are very interested in the States. I find that a really significant statistic. It means there are a lot of people out there who are very interested in the work we do. What we have to do is convert the satisfaction factor of that interest into an improved statistic. It might be useful in the next few minutes that I speak to you, to look at some of the reasons why the public may be disaffected or may be disinterested or maybe not impressed with what we do. Can I say at the outset that when we reform the States and when we talk about the reform of the States we try and stay away within the context of this in committee debate on what I would call - with all respect to Deputy Troy - the Troy Rule because nothing will turn the public off faster than us discussing the relationship and the ratios between Executive and non-Executive because I think it is too complex at the moment to deal with that. Let us deal with how we reform this Chamber and how move on afterwards. One of the reasons the public criticise us is that sometimes we change things too quickly and sometimes we change things too slowly. As the previous speaker has just said, we are probably the only jurisdiction in Western Europe that has switched to Ministerial government in a very short period of time, abandoned its old income tax system - about to change it for a new income tax system - change its corporate tax system and, as we know, a system of direct tax to indirect tax over a very short period of time. Somebody said yesterday - I think it was Deputy Gorst - that we should have evolution and not revolution and I therefore think that we should be extremely careful about how we dismantle and change the electoral system. I think one of the things we can do to make it easier for people to get in contact with us or get in touch with us is make it easier to vote, and within the parameters of what P.P.C. has done so far I would suggest that P.P.C. look at making it easier to vote - online registration perhaps, online voting and smart voting. I also think that we should have a general election on a single day, and I would advocate an election day for 2 types of States Members; Deputies and Constables. I also think an election day should be in the summer. I do not know why we have elections in October and November,

notwithstanding the election of Constables. I would advocate an election day in May or June when there are no school holidays, no half terms and no obvious clashes - you get more people out. One election day in May or June must be easy to find. In St. Brelade between October 2005 and February 2006 we had 4 elections. There was a 47 per cent turnout for Senators. A few weeks later it was a 40 per cent turnout for Deputies. There was a 30 per cent for the contested elections for Constable in St. Brelade and then, finally, we had Procurers elections and we had a turnout of 19 per cent. I think in that short period of time it is too much to expect voters to go out and vote 4 times. It simply does not work. I was elected a short 15 months ago and I have to go to the polls again next year if I decide to stand again. I do believe that 3 years is too short and I do believe that it should be a 4-year term for all States Members. We definitely need more women in this Assembly and I would like to have some more women... **[Laughter]** sorry, I would definitely like to have more women in this Assembly. Senator Kinnard suggested that there are not enough women and I agree. Can I go down memory lane for a minute and remind current Members of some of the great former female Members of the Senate that were here, and I mention briefly - and some of them I hope will forgive me if I left them out - former Senators Jane Sandeman, Betty Brooke, Anne Baal, Gwyneth Huelin, Corrie Stein, to name a few. In St. Brelade and St. Lawrence 2 special ladies broke the mould and became Constables; Enid. Quénault and Iris Le Feuvre. Former Constable Mrs. Quénault served for 24 years in this Assembly, 12 years as a Deputy and 12 years as a Constable, and that is a pretty awesome reputation. We tamper with the Parish system at our peril, and why do I say that? I was not born here, as you know. I have been here 25 years and I have had no honorary service, but for hundreds of years the Parish and the honorary system has served this Island well. If I may be allowed to say this, the Parish system is part of the rich tapestry of Island life and if we were to consider dismantling this great system we are talking about peeling-off and abandoning part of the culture, the fabric and, indeed, part of what was the very stability and is the stability of Island and Parish life. If you were to tell any self-respecting Frenchman that they would have to abandon the system of the Mairie in any bourg, in any town or any city in France I would expect that you would have another French Revolution in the sixth republic pretty quickly, and that is how important I regard the Jersey system to this Island. It would be like telling Irishman that you would have to abandon the Irish language and the Irish music and Irish culture, it simply would not be acceptable - and the Guinness. One of the things that I notice that has been said to me - not recently - is the issue of Members that have been returned unopposed. I would like to deal with this for a couple of minutes, and this is an observation and not a criticism of Members who have been returned unopposed. In November 2005 in the election for Deputies, 6 Deputies were returned unopposed and they were - lucky for them - in St. Ouen, Trinity, St. Martin, Grouville, St. Peter and, of course, St. Saviour No. 3, the great orator of the Chamber. And since October 2005 there have been 7 elections for Constables in this Assembly. There were contested elections in St. Martin and St. Brelade but 5 Constables were elected unopposed; and they were Trinity, St. Ouen, St. Mary, St. Lawrence and St. John. If you look at the statistics therefore: 11 Members have been returned unopposed out of an election of 36 Members since November 2005. Eleven out of 36 is 30.5 per cent and I think that may be one of the reasons why there is a perception of discontent with this Assembly. Now I am absolutely certain that the residents of those Parishes who proposed and seconded those Members who are unopposed are very happy with their elected Members, and there has not been an issue about that, but inevitably Parishes do return Deputies unopposed and they do it if they are happy with the incumbent Deputy. However, the high rate of return of Constables unopposed is probably due to a number of factors. Number one, they do 2 jobs. They sit in this Chamber and they run a Parish. Number 2, it is probably unattractive for a lot of Parish people to become a Constable and the role of a Constable involves an enormous amount of Parish work and is demanding. Constables have traditionally worked their way up within the honorary system and the Parish system, although that is now changing. I believe that the perception of the role of the Constable is misunderstood in some of the urban Parishes, and I believe that is a communications issue that the Comité des Connétables could probably look at. The cumulative effect of Members being returned unopposed is an Island-wide issue. It does not

do Jersey politics and a perceived role of the States any good, and I think it is an issue we have to deal with, and I will deal with that in a few minutes. Moving on then, if we look at the election for Deputies. At the moment we have got 17 districts and 12 Parishes. We have an extra district in St. Brelade, we have got 2 extra in St. Helier and 2 extra in St. Saviour. In my view there are too many districts. My recommendation on this, therefore, to P.P.C., would be to simplify the constituencies in St. Brelade, St. Saviour and St. Helier and initially get back to 12 districts. Many have said that Parish representation is not representative. If we look at the combined representation of Constable and Deputy in the Parishes we see there is very little difference in statistical representation between St. Clement, St. Helier and St. Brelade, which is on your sheets in R.97. However, I do believe that you cannot take the figure for St. Helier on its own because I do believe that St. Helier No. 3 and No. 4 is under-represented and I do believe that St. Helier No. 1 and No. 2 are over-represented. So I believe there should be one constituency in St. Helier. In the elections in the Parishes if you look at the pattern of voting for Deputies; in St. Helier No. 3 and No. 4, Deputies Hilton, Huet and Fox all comfortably topped over 1,100 votes; Deputy Hilton had 1,400 and Deputy Fox had 1,100. If you look at what has happened in St. Saviour and St. Helier in other parts of that conurbation, whereas those 3 names - Hilton, Huet and Fox - had well over 1,100/1,200 votes down at the other end there were Members who were elected with 300, 400 and 500 votes. So I think there needs to be a major revision of the way the constituencies and the districts are done in St. Helier and St. Saviour. I would like now to deal with the role of the Parish Deputy with a 4-year term and how that Deputy would deal with Island-wide issues. I do not think it is an issue and I think there are good examples of Parish Deputies who carry out Island mandates and Island responsibilities. The first one that springs to mind is Deputy de Faye who is a Minister. I think he carries out his role as the Island Minister for Transport and Technical Services as a Parish Deputy. The Deputy of Grouville has Island-wide responsibility for arts and culture and she does that well. The Deputy of St. Peter is acknowledged as being an expert in emergency management. Deputy Gorst is in the Chief Minister's Office. I, myself, have been associated with sea routes, links with France and other issues in the last 16 months and I think that some of that work has been an Island-wide issue. I believe that we should take a look at what Guernsey has done in the reform of its States of Deliberation. There are some things that Guernsey does better than Jersey and there are some things that Jersey does better than Guernsey. Guernsey in this last electoral reform review went for 7 electoral districts. I believe that we should possibly look at that type of reform as well. Smaller number of districts would make it simpler and faster to vote. It would also get rid of the issue of unopposed Deputies. I would seriously consider a proposal to reduce the 17 districts to 12 and less, and I am open to more work on P.P.C. to look at that area. Either way, I think we must slim down the system that we have got to 2 types of States Members. Finally, there is much talk about reducing the number of States Members from the current 53. I think there is possibly a case for some reduction but I cannot come to a figure myself because I believe I need to read more of what P.P.C. say, and I am not fully happy with the 5 options that were there. In an ideal world - and we do not live in an ideal world - I would have thought that a slimmed-down Assembly would have had a slimmed-down public service, but I do not see that happening. I do not know if I can squeeze any more time out of my life to take on more responsibilities in this States if we had a slimmed-down Assembly. We do need to reform this Assembly, we do need to work on it, we do need to discuss it and I have every confidence that P.P.C. will listen to us, will work through it, and will come back to us again.

1.8 Senator T.A. Le Sueur:

Certainly this morning I could agree with a lot of what Deputy Southern was saying about the degree of confusion and uncertainty that this process has generated. I think we have been faced with a number of options here and the difficulty is that all of us have different priorities. We all start in different places. So it is difficult to see what is the most important area to look for. I have tried fairly unsuccessfully to focus on what I think is the most important issues in this discussion. I will try to narrow this down a little bit because I had a list here of something like 12 different

variables all of which could be the most important in different peoples' minds: voter turnout, boundaries, number of Members, election dates, role of Constables and so on. I have tried to focus on maybe broader areas and whether we are focussing on the electorate - those are the people who elect us - or the nature of government and what we do in this Assembly. I thought that might help; having worked through it I am not sure that it does. But I think what it does indicate to me is that we, as an Assembly, should not be compared with the U.K. Parliament or something like that or some other party system because the States is a bit of an oddity in that it is both a sort of national government and also a local council. It is trying to do 2 things at the same time. I think for that reason it is important that the people within the States Chamber recognise those 2 roles, so there is a role for the local government representative, the Constable, the Parish Deputy, the Parish representative in some form or another. But it is also a role for the Island-wide basis and so I am one of those who firmly believe in the retention of something like an Island-wide mandate or a super-constituency mandate because I think in that respect the States needs that sort of body. But really with all these different variables what is the way forward? I think what we have today and yesterday maybe will enable P.P.C. to rationalise and to refine their views. Because I think to put out 5 options is dangerous, unless those options are clearly spelt-out it can easily come to the wrong conclusions. But I am sure there are another 50 options that they could have put out as well as those 5. I suspect that none of them will be ideally satisfactory to everybody. We say: "Yes, I like that, that and that" and tick those boxes: "But I am not so sure about that." I think unless we have a fairly clear distinction, one proposal put to us which we can either say yes or no to, we are going to carry on wandering around in ever-decreasing circles for months to come. Now what that proposal should be, certainly I have got my own views and if I was to start somewhere - as the Irish joke goes - I would probably start with option 2 of the 5 options that were presented. But I could go along with option 1 as well. But I do not think that any of them are necessarily the ideal because it also depends on what you think is the main focus. So where do we go from here? I think where we go is that P.P.C. have to take a more definite lead. To try to achieve this by consensus of 53 around this room is not going to happen. I think we have to just get that clear and either say yes we take it or we leave it. Many have questioned why do we need to change? So I looked at R.97 for some guidance as to why P.P.C. thought we needed to change. Their main reason appears to be low voter turnout. I suspect that in trying to propose change of an unspecified nature, can we be certain that any of these proposals will improve the voter turnout? If we move to super-constituencies will we suddenly get 75 per cent turnout? If we move to Deputies all round the Island will that mean a wider turnout? Or are there other reasons why there is a low voter turnout? Some may say it is the absence of a party system. In an English Government system where you have 2 main parties the opposition party is mustering all its troops to try and kick out the incumbent party while the incumbent party is mustering all their troops to preserve a *status quo* and preserve their position. So it is natural in that sort of situation you will get a higher voter turnout. It does not mean you will necessarily get a better government. What you will simply get is a situation where one party is throwing mud at the other side and the other side is throwing bits of mud back at the first side. So have we necessarily got a system that needs a radical change? I think maybe that is the first choice that we have to make rather than these 5 options, is this choice between the *status quo* and a single alternative option. I wish P.P.C. the best of luck in this project because having been through debates like this in the last year or 2 the result is almost certainly that we are going to end up back where we started having spent a lot of hot air in the process, but nonetheless it is right that we should look at these options for change but I am not very optimistic about the outcome.

1.9 Deputy C.J. Scott Warren of St. Saviour:

I do not think we are wasting our time here today. This important issue cannot be permanently shelved. I voted for the introduction of the Ministerial system and I do not regret having done so although I feel that we now have half a horse. A Ministerial system without a party system, so effectively no opposition. But in its place a Scrutiny function and with rolling, protracted elections during the autumn and winter months. For a long time I have believed that the low turnout at

elections is due to this protracted system - dare I say, neverending system - of electing Senators and Deputies with Parish Assemblies to elect the Connétable. I would like to say that if a candidate is elected unopposed, as was said by Deputy Power, it is because the people in that Parish are happy with the candidate - with their credentials - because anyone could stand against them and contest the election. Whilst I supported the introduction of the new Ministerial system I do not now believe that we must only have one type of States Member. I appreciate the importance of retaining the Parish system and to achieve this we must retain the Connétable in the States. The Jersey Parish system is unique. I do support a 4-year term of office for all States Members and were it feasible I would like all States Members to be elected on the same day: a general election. I appreciate that it may still be necessary to elect the Connétable on a separate day but the Clothier findings quite firmly came out with a view that most residents in Jersey would prefer a general election. Three years is a very short term of office whereas 6 years is, in my opinion, far too long. I firmly believe that the people of Jersey should have - in fact they deserve the right to have- the ability to get rid of the entire States Assembly should they so wish. Short of some cataclysmic decisions this would seem an unlikely outcome of a general election but nonetheless it should be made possible for the electorate if so disenchanted with every Member of the States. As a former member of the Privileges and Procedures Committee I remember all too well that the super-constituency proposal did not gain support. I feel that the Parish Halls are still the place to hold elections with postal voting and any other safe voting procedures to be encouraged for future elections. I agree that the number of States Members may need to be addressed and reduced but I believe this would be better done after the Ministerial system has been up and running for about 5 years - somewhere towards the end of the decade - rather than now. I say this for the very reason we are in early days of this type of government and with the Troy 10 per cent rule we need to take care not to reduce numbers too early on in this type of government. If reduced I believe it should only be by a small reduction, possibly to 49 Members. To get the Ministerial system right must be our first priority. By this I mean making sure the balance of the Executive, Ministers and Assistant Ministers and the Scrutiny Members input, that must be our prime concern. I feel that a major stumbling block to further progress and reform remains the issue of Senators and Deputies, their different lengths of office, the Island-wide and local election issue and what will encourage a person to stand for the position of Senator if the term of office is reduced to 4 years? I would like to also add that I believe that the most able politicians, whatever their category of membership, should be able to be considered to be part of a Ministerial team. Senators and Deputies share the same duties in the States Assembly with Deputies having a greater local role due to being a politician for a specific local Parish or district. Senators are currently viewed as more senior and I feel this would possibly change to some extent with moving to the same length of term of office. I would support a referendum in the event that we reach a significant decision and would like to receive the endorsement of the people. If a majority of States Members wish to retain the Connétable, as I would wish to do, we will need to reach a decision on whether to retain the different election mandates for Senators and Deputies and to keep their present roles. I hope we will also be able to find ways that the electorate can know that their votes can influence the direction and, if necessary, change the direction of policies. There is a dilemma here in a non-party system. However, we have to recognise that recently a party system has not been shown to be popular at the polls. To sum up, I will support a general election or as near to this as possible regarding the election of the Connétable, a 4-year term of office for all, and either 2 or 3 categories of States Members. I believe the question of the number of States Members should be decided in 3 years' time, and I think we need to get our decision endorsed - or otherwise - in a referendum. We must get on with deciding a way forward now, one consensus option. This obviously does seem difficult to achieve and I do believe that the amalgamation of the Senator and Deputy role, and whether we dispense with one of these titles of positions, is crucial to finding the solution. The decision is ours and we need to take it.

Connétable K.P. Vibert of St. Ouen:

Can I raise a point of order, Sir? The Deputy informed the Assembly that Connétables are elected by a Parish Assembly which is, of course, totally incorrect. They are elected by an Electoral Assembly in the same way as a Deputy is.

1.10 Connétable S.A. Yates of St. Martin:

I enjoyed the historical political dissertation from Deputy Le Hérissier. He ended his story around about 1948, which brings me on to think well, what happened when the Progressive Party won that particular election, and what is the difference between the Chamber then to what it is now? I think the big hitters of the 1950s were people like Clarrie Dupré, Wilfred Krichfiski, George Troy, Tom Le Quesne; these were all businessmen. They were small businessmen. They were the businessmen who signed the wages cheque on the Friday mornings. They probably helped to put the pound notes in the wage packets. They were a fishmonger, a general draper, master stevedore, master plumber. Ordinary Jersey men. They were employers of working men and women. They understood their working men and women employees. They understood their families, and I think possibly this is what we are lacking at the moment. I do not think we have that connection to the working people of the Island. They did it well in the past. I think we have got to try and do the same thing because we must remember that the engine that drives this economy is business and if we do not have business we do not have tax; if we do not have tax we cannot pay for our social services. I am going to speak very briefly and keeping it to the bullet points. How many Members should there be in the Assembly? I am not in favour of reducing by a vast amount. I am speaking from a certain amount of inexperience but the role of Scrutiny is, to me, quite amazing because I assumed when I first went to sit on the Scrutiny Panel was all the evidence would be attached to the proposition. Well, it is not. And the amount of work that you have to put into find the evidence is extremely long and tedious, and I am very worried if you take away the numbers of Members from the Scrutiny Panels you are not going to get the work done. So when it comes to number of Members I would hesitate to say anything less than 49. If it needs to be reduced by 4 so be it but I am worried that the work will not be done if you do not have the Members. How should Members be elected? Example, Parish basis, Island-wide mandate, large constituency or a mixture? Well, I am all in favour of the parochial system and I believe the parochial system is that important that it should be on a Parish basis. Should the Connétables remain as Members of the States? Now, Senator Norman has got his lines mixed up here a bit because he said - and I believe also Deputy Power said - the Constables have 2 jobs. I have one job. My job is the welfare, the care and protection of my parishioners and that is it. Whether I do it in the Parish Hall or whether I do it in the States Chambers, it is the same job. Now, does that job entitle me to speak on or consider Island-wide issues? Yes, it does because if I am sitting on the Scrutiny Panel to do with the property plan, I am considering the welfare of the States' tenants in my parish so I am considering an Island-wide issue, but I am considering the welfare of my parishioners. Overseas aid. And you, Terry, yes. Overseas aid. Am I considering a Parish issue for overseas aid? I hope so. When I have listened to submissions on the Scrutiny Panel about overseas aid, I shall be able to reassure my parishioners that everything is okay, it is a good thing and it is a worthwhile effort. So, yes, I think Constables should remain in the States. I mean, how can I do my job of looking after my parishioners if I am not here? How long should the term of office for Members be? I think 4 years. Should there be a general election or is the continuity that comes with some staggered elections preferable? Well, first thoughts, yes, a general election for all Members. Would it be preferable to have 2 elections, once every 2 years so basically half the Chamber is elected for 4 years this year and in maybe another 2 years time the other half is elected? That really is down to consideration of whether the political stability is more important than the actual concept of a totally general election. I am easy. I think I prefer the general election. Should a referendum be held and, if so, at what stage in the process should this happen and what questions should be asked? I think, with a referendum, you can get whatever answer you want depending on the phrasing of the question. It is a very false method of getting a true answer so I am not in favour of referendum and that, Sir, is my feelings on the matter at the moment. Thank you very much.

1.11 Deputy S.C. Ferguson of St. Brelade:

En passant, the Connétable of St. Lawrence mentioned efficiency. By my calculations, if we all use the computer system, the outlook calendar system, and we did not have letters sent to us to fix meetings and so on, we could probably save the cost of 3 or 4 States Members on the postage costs and the labour costs we save. A thought for the future. I may bring a proposition. I got a very irate phone call last night. In fact, the line was positively humming. One of my constituents was absolutely furious that I had not mentioned one of his ideas which was the subject of some correspondence in the *JEP* about 18 months ago. Obviously, Deputy Duhamel also reads the *JEP* or perhaps, more likely, great minds think alike. I had made a note to bring this up today but Deputy Duhamel beat me to it. One of the problems that is perceived with the electoral system is the Senatorial scrum and, as the Constable of St. Lawrence said, there are logistical problems regarding a general election. Under the proposition by my constituent, which is very similar if not identical to that of Deputy Duhamel, we would have all Members standing as Deputies and no one can be a Minister unless they are an elected Deputy following a general election. Those wanting to be Ministers should stand in a second election which would satisfy the Island-wide need. In other words, the title of Senator would demonstrate that not only were they a States Member but they also had qualified on the Island-wide basis. Those standing as Deputies would be expected to declare themselves at the Deputies' elections as wanting to stand as a Minister and also have a manifesto and a policy. Obviously, there are risks. The composition of the Ministers' ranks would be interesting to say the least but it would satisfy both the need for a general election, it would get rid of the Senatorial scrum - which, quite honestly, is getting farcical - and we would also satisfy the Island-wide election. So, I put it in, Sir.

1.12 Connétable D.J. Murphy of Grouville:

I also had one phone call last night and, in fact, this is the only phone call I have had referring to this debate at all, to this ground swell of public opinion and that one was: "What are you doing wasting your time talking about this for? Why do you not get on and do some work?" **[Laughter]** And I tell you what, they are not wrong. I am looking at the 90 people who turned up for 3 parochial meetings - 90 out of 90,000. I am looking at the 100 people who bothered to respond to the Next Step brochure sent out by P.P.C. 100 people. Huge ground swell of public opinion. The Radio Jersey poll, completely unscientific, limited only to internet users. 500 people - 500 out of 90,000. The M.O.R.I. poll, 50 per cent know very little of electoral reform. That ground swell again. It is huge, is it not? Going on from there, if it is correct that we want to reduce the number of Members in this House, in my opinion if we go below 49 Members, Scrutiny will collapse. You will not have a proper Scrutiny system. At the moment, I believe, I am sitting on Corporate Affairs and we have 2 Sub-Committees which we sit on as well. That is 3 committees which are working there plus the Public Accounts Committee, as you know. My time is stretched with the Parish work as well. Of course, it is stretched. Well, that is what life is about. Life is about working hard but if you bring people down to the stage where they are cutting their time short on these committees then you are not going to have proper government and you are not going to have proper scrutiny. Therefore, I believe that if we are going to do this, if you want to cut the number of Members then, to me, you should just juggle with the Deputies. At the moment, we have an anomaly in that St. Lawrence have 2 Deputies with exactly the same amount of voters as Grouville has and we only have one. Now, if you cut one... terribly sorry, St. Lawrence Deputies. If we cut one St. Lawrence Deputy out, and then you could **[Laughter]** - obviously present company excluded - we could then have a look at St. Helier because I believe that St. Helier is vastly over-represented and have a look at the Deputies there. You could easily get rid of 4 Deputies and come down to the 49 figure which I believe would be the minimum that we need to run this House. The Constables, of course... I am no turkey. I am not going to vote for Christmas. I believe that we work very hard. I think we do a jolly good job and it is amazing that the amount of work that is involved in the Constables Committee that is, in fact, an Island-wide situation. For instance; licensing, rating, things like that

which are done by the Constables and are, in fact, Island-wide and contributing to the welfare of the Island.

1.13 Senator P.F. Routier:

When I was thinking about this debate, I reminded myself that whatever our thoughts are, that is really secondary. It is really the public that are the people who really need to have confidence in the new system that comes forward. It is not something which we should be setting up to suit ourselves or protecting our positions. I do not want to use that overused phrase of voting for Christmas as a turkey so I have tried to think of some other phrase, like something else we use at Christmas is like nuts. Well, this nut is prepared to vote for Christmas as long as the eventual proposals which come out of P.P.C. have got the backing of a referendum and I would hope... well, I give the answer to one of the questions: a referendum should be necessary. But further on in the question it did also ask about when that should happen and what question should be asked. I think it has to be a very clear question which sets out what is being recommended by the P.P.C. as a mechanism for election to this House and it should be just a straightforward yes or no, so there can be no misunderstanding of the public's view, and to make a decision which they can get behind or reject. With regard to how many Members there should be, I would certainly like to see less Members and I do think that with reorganisation of the workload of both Ministers, Assistant Ministers and Scrutiny, we could achieve a reduction. We could achieve a reduction of up to 10, I would have thought, if we all sort of reorganised our workloads. Moving on to how we all reorganise our workloads when it comes round to perhaps the thorny issue of the Connétables; the Connétables do have a job to do in their Parishes. There is a very important job for them to be doing in their Parishes and we should recognise that. I think there is an opportunity for the municipality themselves to grasp this opportunity to strengthen what goes on within the Parishes. What can happen is that people in the Parishes can... even in the last 3 or 4 years I have had people come to me who are in the Parishes and said: "I would love to do the job of running the Parish but I certainly do not want to be a States Member." I would think that the way forward would be that the Parishes should elect someone to run their Parish and then if that person wants to stand as a States Member, all well and good and first class. I mean, that would be marvellous. I would love every one of them sitting in here today and I would love to see them here. That would be marvellous but I think they should stand with direct election to the States. Of course, with all the reduction of the number of the Members, in some of the options which P.P.C. have come forward with, we also have to be mindful of the Trojan horse of the Troy amendment. I am sure we can manage that with a good reorganisation of work among all the Members. I did say at the outset that we set up a system which was to suit ourselves but I would like to comment on one issue which we are not being asked to comment on, which is the remuneration, particularly the ability of the States to attract new Members to join the States. I think that it is vitally important that we should have an organisation which is easy to work in, is attractive to work in, gives us an appropriate workload, and we are recompensed in an appropriate manner. So, I mean if we go down the route of reducing the numbers obviously that frees-up a bit of money and I would suggest that a small proportion of that money - if there was anything saved - should perhaps go towards pensions. I am not suggesting additional money for anybody who has got any particular responsibility at the present time, but a pension, I believe, is something that would be of great benefit, obviously, to Members, but it would recognise that they were doing a proper job. Anybody who is in a proper job, who is being remunerated effectively, I believe, should have an ability to have a pension and I think that would be an additional benefit which would attract more people to become States Members. I think that is something we must try and do. Just thinking back to the comments I made about the Connétables and the opportunity for reorganisation within the municipality, if there is a job of work which... I know there is a job of work which they do within their Parishes, it could well be that the Parishes themselves and the municipality should fund the salaries of the Connétable. It is quite a reasonable thing to be thinking about so that I would hope that they might do that. So, Senator Norman's comments; I do share those views and I think it is an opportunity that the Parishes - not

just the municipality as a whole - should perhaps think about as well as a way they can reorganise their workload and how they can best serve their Parish. Thinking about the Island-wide mandate, for instance, I recognise that some people do believe that an Island-wide mandate is a thing that they like and also, as having stood in an Island-wide mandate, I have to say it does give you a sense of being endorsed by the Island and you feel that you have a right to be here and you are representing their views. I recognise that is a benefit in many ways. But, in saying that, I do wonder whether the constituency - which is a method of having larger constituencies - is probably a better way. I am coming round to that viewpoint and I am prepared to support the notion of larger constituents. [Laughter] Not larger constituents, constituencies - sorry. But if the outcome of all of this is that we do end up with an Island-wide mandate, if it does happen that way which, as I say, I am not supporting, I would... I mean, there is a view that Ministers should have an Island-wide mandate. I would take it a stage further than that, that perhaps Chairmen of Scrutiny Panels should have an Island-wide mandate as well because it is an important job to have. So, if the Island-wide mandate is something that is valued, the Ministers' jobs and the Scrutiny Panel job is important. So perhaps that would be worthwhile thinking about. Very briefly on the term of office, I think that should be 4 years and the other question P.P.C. asked us to address is should there be a general election or staggered elections? I would suggest a general election is the only way forward as far as I am concerned. I am pleased P.P.C. asked us to answer the questions in their letter which they sent us at the end of last week, because if I had been asked just to address the options which have come forward, there is none unfortunately which really appeal to me as being the one I would go for. At the nearest is option 2 because that is nearer to what I thought Clothier had come forward with, which was something that I could have supported at the time. But I do think that all Members should be elected on an equal standing as a tweak to the option 2. That does not mention the points that I have made regarding the Constables. I do not really envy P.P.C.'s job of bringing this all together, all these various views that are coming out, but it is their duty to hopefully come forward with something which can be put as a referendum to the public and then for us to endorse, and I hope they can achieve that in the timescale which they have set themselves.

1.14 Deputy D.W. Mezbourian of St. Lawrence:

Notwithstanding the fact that my views have been expressed many times by previous speakers, I choose to exercise my right to speak on this matter, albeit briefly. We have been inundated with information and with questions on the matter of government reform although interestingly, not inundated with responses. I take as my starting-point the letter dated 8th March from the Chairman of Privileges and Procedures. In that, the Chairman suggested that the first matter to be considered during this debate was the whole issue of whether or not reform at this stage is desirable or necessary. It is interesting to me that, despite the publicity surrounding the issue - and similarly to Deputy Power - not one person has contacted me to express a view on the matter of electoral reform. Is that, I wonder, evidence that everyone in St. Lawrence is satisfied with the current system and that reform at this stage is not desirable or necessary and that may well be the case, or is it evidence only that no one has contacted me? It prompts me though to ask the question: "Do we really need to change?" I have discussed the issues of electoral reform with some St. Lawrence parishioners and one of the issues that does concern them about our current system is the perceived anomaly whereby an unsuccessful Senatorial candidate is able to stand as a Deputorial candidate shortly afterwards. Whether or not we do opt for a general election, any elections should be held in May or June. This should encourage voter turnout during potentially better weather and also put candidates at less risk by being able to canvass during lighter evenings. Might it too encourage others to stand? Indeed perhaps lead to the much-vaunted contested elections. So, those are 2 potential reforms which, at this stage, do appear to be both desirable and necessary and perhaps would be not too difficult to introduce before the 2008 elections involving only minor changes to the current legislation. It is change that is manageable within the time constraints. Commenting briefly on some of the other proposals for reform, it can, of course, be assumed that if the number of Members was reduced political input into the running of the Island would itself be reduced.

This, I suggest, must be given careful consideration to recognise the potential consequences it may have. I wonder whether it is imperative that a reduction be made. Notwithstanding that consideration, if there is a reduction in Members we must, as other speakers have said, ensure that there are adequate numbers to perform the essential role of scrutinising the Executive, although that body itself could perhaps be reduced by merging departments. Indeed, I wonder whether we should be holding these discussions at this stage when we have no idea how effective the new Ministerial system is going to prove to be. Our Island history and way of life is steeped in the Parish tradition. It is as much a part of our heritage as is our legislature, as is this Assembly. As children, many of us here today would have attended a Parish primary school. Many attend a Parish church, belong to Parish clubs and associations and have even served on their Parish Roads Committees and in their Parish Honorary Police. I firmly believe that to remove the Parishes from our electoral system and to introduce large constituencies would, without question, have a devastating impact on both our Parish and honorary systems, an adverse impact on our community at grass roots level. Should we retain the option of the Island-wide mandate in the guise of the Senators or are they too far removed from the electorate? If we decide to retain them, their term of office should be reduced to 4 years: a term that should be applied too to Deputies and Constables because, while acknowledging the ever-increasing workload involved in successfully managing a Parish, nevertheless I believe that the Constables, as head of their Parish, should remain as Members of the States. Let us do away though with their staggered election dates and recognise that all Constables should be elected on the same day. I do wonder too if perhaps a closer working relationship with their Deputies may be effective in some Parishes and I wonder whether our discussions here today may be a catalyst to an improved working relationship between some. So, to sum up, Deputy Le Hérisier mentioned earlier that minor changes such as a general election and 4-year terms would be a disappointment. Well, of course it would be a disappointment to him. **[Laughter]** The disappointment for me, however, would be if this Assembly approves changes that will have the effect of destroying our Parish and honorary systems. There is no doubt that if we do that we will be sanctioning the demise of our culture and of the too few remaining remnants of our traditional Jersey way of life.

1.15 Deputy A.E. Pryke of Trinity:

Just to pick up on a few issues: general election day for Deputies and Senators, I think on reflection, would be a good idea but definitely for the Constables the need would be a different day. Back to the most important, I think, which would be the ballot paper. It is all very well having had those on the same days but the ballot paper has to be user-friendly, as we all know there is always a certain percentage of spoilt papers. We also need to look at the practicalities of that day with so many possible candidates standing on the same day. I was unfortunate, shall we say, to say that I did not have a contested election. Up until a couple of days before there was going to be one but this gentleman could not find enough signatures to sign his paper. We need to look carefully in some areas - especially in town - that there is a low percentage of people who vote. If we do eventually decide on some reform, that area needs to be considered too. In country Parishes, we have always had a history of high turnout and in Trinity it has been known to be as high as 73 per cent. We need to consider, I think, also the time of year. As has been said before, I would certainly support the change to April/May time. The weather is better, evenings are lighter, more conducive to canvassing in the evenings when people are at home. At present, October/November is much too close to Christmas as all people lead busy lives. On the issue of reducing numbers of Members, there is some room but how will it have its knock-on effects? It is all very well saying we need to do this and we need to do that but the most important thing, I think, we need to look at, at the same time, is the ramifications of it: the rippling effects. How it will affect the running of Ministerial government as well as Scrutiny Panels. P.P.C. have suggested a 2-department merger. Again, I ask what are the ramifications of that and could it be achieved by 2008? I doubt it. Senator Shenton's proposition has some merits by reducing the number of Senators. It is a simple way to achieve some small reduction. Regarding the role of Constables in the Assembly, it must be a firm yes. They are the strength of our treasured parochial life which is the backbone of the way of Island life

in Jersey. They know their parishioners well, how they work, how every law that we pass here will affect them. Regarding changing the boundaries, I really feel it would be a bad step. People like to be close to their representative, be it the Constable or the Deputy. In large constituencies that personal contact would be lost. Some people feel very comfortable ringing their representatives that they do not know and ask for help, but there are also a high proportion of people who, for many reasons, feel they cannot and it is these people that are important and it is these people that should be not forgotten. That is where the role of the Deputy as part of the Parish is vital. They are accessible and accountable. Term of office: I would support a 4-year term. I am sure we have all found the first year of being a new Member - finding our feet - a steep learning curve. By the second year, feeling more confident; and I expect at the third year I will be thinking at the end of it, there will be elections. So, by having the 4-year term, I think, as a government and as part of this Assembly we will be more effective. Regarding the referendum, it is all very well having a referendum but I need definitely to be convinced. We need to consider also what question they will ask. Will it be an open question or a closed question? That is going to be very important and also importantly, what will we do with the results? If the States, as I understand, will not be bound by that, what is the point of having one? Whatever we decide, it must be achievable. It is better to take small steps well than a big step and fail.

1.16 Connétable M.J. Jackson of St. Brelade:

The debate regarding the composition and the election of the States Assembly seems generally to surface in the aftermath of elections tri-annually and when the public demonstrate their preferences through the ballot box. I believe the *Clothier Report* of December 2000 is now outdated. I do not believe there is a clear mood for change on the whole, however, there is an appetite for tweaking. Senator Shenton's P.145 and Deputy Southern's amendment being lodged au Greffe in the latter part of last year stimulated me in the time-honoured tradition to consult with my parishioners on the matter. I, therefore, called a meeting subsequent to a Parish Assembly on 22nd February this year and some 62 people attended. I have the notes from that meeting and I passed them on to P.P.C. In summary, it was quite clear that those present wished to retain the Parish link through their Deputies and Connétable with the States. The Senators they felt were more distant and less approachable despite the fact that Senator Shenton was there, and he took it very well on the chin. There was undoubted enthusiasm for streamlining election dates and you will recall in St. Brelade electors were faced with 3 elections in 2005, September, October and November. The fact that I managed to get anyone to vote for me I thought was a feat with which I was very gratified. In addition, Sir, we have elections now for Procurers and Centeniers and we really have to address this problem. There was also, at that meeting, Sir, an indication from a well-respected predecessor of mine and former Deputy of this House - not far related from the Deputy of Trinity - who favoured a reduction in numbers but a retention of the Connétables and Deputies. My deductions from this meeting, Sir, were that we should have one election for Deputies and Senators and I would suggest that in this perhaps 4-year term that elections for Connétables were to take place; so, every 2 years' elections. I do not consider a general election appropriate in a non-political party situation that we have in Jersey. I can see a need for Members with an all-Island mandate and thus the Senators but question the need for a 6-year term. So, proposals for a 4-year long term for all Members seems to be imminently practical. I consider anomalies such as those in St. Lawrence and Grouville should be addressed. I do not believe a referendum would add value to this debate. We have been elected here to make decisions and I believe we should make them in this House. I think that members of the public should not be persuaded that as States Members we are all the same in terms of ability. We all have different attributes and abilities and while some of us will not find favour with certain members of the public, others will and, as a consequence, the public have - in practice - various avenues of approach to government to either the Senators, the Connétables or the Deputies. I think our system is good for the public as it is at present. My experience of the past year or so and my work with my colleagues on this side of the House have indicated to me that the Connétables prove, what could be described in commercial terms, as good value for money. The Connétable is in

charge of a Parish team and I assure Members that this Parish team are the ones that vote. The present Parish system has been in place since the 16th century. It works. It has evolved but I suggest to the Members that it needs to evolve further. It is a process of continual evolution. I would prefer that P.P.C. focus on the method of voting. For instance, should we vote on Sundays as is done in France or perhaps develop alternative electronic or online voting which must be achievable in today's advancing technology?

1.17 Senator B.E. Shenton:

I do not plan to speak very long on this issue because obviously I have prepared a 27-page proposition that includes most of my thoughts: a proposition entitled "Evolution not Revolution: Holding on to our Heritage". I would just make a few observations. My father used to get very frustrated in the States and a phrase he used to use quite often is: "When given the choice between making a decision and a deferral, the States will always go for the deferral." I think that is what we are in danger of here. I would have liked to see my proposition debated in January, when it was originally meant to be debated, and we would not be sitting here today hopefully and we would have made some decisions and we would have moved forward; because everyone talks about 2008 as if it is 2 years away. It is, of course, next year and if we are talking about May/June elections, it is not very far away at all. Senator Norman mentioned that he thought that a general election may be too complicated for the general public and I think he does a great disservice to the intelligence of the electorate by making this statement, albeit maybe some politician's core support comes from the less intelligent members of the public. **[Laughter]** In the U.S., for example, you vote on a number of issues on presidential election day, not just for the President. I am sure if the Americans can get their head around it, so can the Jersey people. The concept of having separate ballots clearly marked Constable, Senator or Deputy - perhaps even colour coded - should not tax anyone's mind too greatly. Rolling elections: people have mentioned about rolling elections and elections every 2 years. I did think about this when I was putting my proposition together but the trouble with that is that you start losing Ministers every 2 years and you start losing Scrutiny Chairmen and Scrutiny Panel members and Planning Application members and I just wanted that when people got elected they had 4 years to get on with the job and carry out the policies that they were putting forward. I felt that a 2-year rolling election would have no merit in it whatsoever because it would be too disruptive. I think a general election every 4 years the public know where they stand. Every 4 years, they roll their sleeves up, they go to the polls, they get involved in elections and then they can perhaps turn off after that and then get sort of keyed up 4 years later. Deputy de Faye even suggested one year rolling elections. Now, this may be very helpful for someone that loses their seat, that every year they can try and get re-elected, **[Laughter]** but I am not sure if there is any other sort of advantage to this. Super-constituencies: again Clothier went down this road with super-constituencies on the basis... no, it did not. Sorry, it went down the road of better... P.P.C., okay. All right, we will talk about super-constituencies because you would have better voter representation and a better balance between voter representation and the electorate and we see a couple of options. Option 2, for example, Senator Walker and some of his colleagues have favoured with pure States Members and larger constituencies. It does not seem to make much sense to me because you are going down this super-constituency basis to try and get your voter representation right and then you turn around and say: "Oh, yes, we are going to have the Constables as well." So, we have gone down this road for the constituency to get the voter balance right and then you have got the Constables, where the Constable of St. Mary represents something like 1,500 parishioners and - I have got the figures here somewhere - the Constable of St. Helier represents an awful lot. The Constable of St. Mary 1,591; Constable of St. Helier 28,310. So, you cannot argue for super-constituencies and keep the Constables in the States. The logic is just not there. It just does not make sense. When I sat down to write my proposition I was of the view that the Constables should not be in the States. Having stood-up at election time and said they should not be, but having spent time... **[Members: Oh.]** They were not election policies, I did not have the manifesto. I had not looked into the matter, but when I looked into the matter, and now I have

been in the Chamber for 15 months although it seems longer, [Laughter] I find that some of the ideas that I had about the House are not exactly the same once you get here. When I was giving my submissions about Ministerial government I said that perhaps some of the votes I made on your first sitting, where you vote for all the different people, would have been different on hindsight. It is a bit like when you look back on your youth and think if only I knew then what I know now. I do not think we have a right to change our heritage completely just for the sake of having some feeble attempt at getting the public out to vote. I mean, if you look around this Chamber, this is part of Jersey. This is part of our heritage. There is a photo of the Chamber in the *Evening Post* which was taken about 100 years ago and apart from the fact that every Member had a moustache and a beard [Laughter] and I think most of them had hair as well [Laughter] very little has changed. I do not want to change too much in Jersey. I want to hold on to the Parishes. I want to hold on to everything that is good. I think people do get frustrated because they perhaps go out and vote and the people they vote for do not get in the right positions or whatever but yes, I do not think there is logic in super-constituencies. I do not think we should need to change things too much because if we are going down the road of complete change - which is taking a tremendous risk because we are altering the whole landscape of Jersey politics - we should then start having a look at the role of the Speaker and move completely down and have a... I said evolution not revolution but that would be revolution and I do not think the people of this Island want that. I think we have to be very careful with this and I just hope that we do debate this issue in May and we vote on it. The way my proposition has been structured you can vote on all the individual issues and I know certain issues have not had a great deal of support. I have not had many people come up to me and say that the Constables should be paid by the Parish so I do not expect that one to go through. Oh, there you are, I have got 2 supporters in front of me. We can vote on every issue individually and then if people want to bring amendments, if structured in such a way, amendments are quite easy to bring. I would like, by the end of May, to have a decision on this. If you read my proposition it says why I do not agree with M.O.R.I. polls and why I do not agree with referendum and I think we should make a decision in May and then draw this to a close and move on.

1.18 Deputy J.B. Fox of St. Helier:

It was interesting - although not strictly for this debate - that on Monday we were celebrating Commonwealth Day and it is just coincidence that there are 53 Commonwealth countries and 53 Members of the States. It is also interesting the fact that the Queen considers - and as I was making the Commonwealth address at a primary school - that each country is a village to her. Well, today I have been listening to 12 villages talked about and the heart of Jersey life, the parochial system *et cetera*. Now, I come from a village but it is a big village. No. 3 and No. 4 Districts have got about 8,000 parishioners that can vote. Not that 8,000 do vote but the roll is at 8,000. But in my village of St. Helier there is also the village of First Tower; the village of Mont Cochon; there is a village at Cheapside; there is a village in Brighton Road; and the same can be said of the rest of St. Helier. There are lots of little villages and they are all very important. Now, when we talk about representation, they are asking us how many should sit in the Assembly. The public reaction from the people that you speak to is that we should reduce it quite considerably. The easiest way to do that, of course, is to say: "Well, we cannot do it all at once because we are still in a learning process and if we make too drastic action we cannot put it up." Well, this is very true. It is like dealing with anything in life. You can start with something softly at the top end and you can get harder if it is necessary but you cannot go hard and then go soft. [Laughter] Sorry. We have got me that has made one of these speeches again that creates everybody into a place of laughter. Never mind. That is one of the fortes that I have in life, or maybe one of the gaffes. [Laughter] But in any event, the whole point of issue is you cannot go down to 42 - or to 45 - if you are not making decisions that come through the whole gambit of electoral reform process, and from what I have heard in the last 2 days and what I have been hearing in the last, what seems like, 4 years we are not anywhere near that stage to be able to do that. So, the best that we are going to hope for seems to be the common notion of 49. Having said that, there have been other alternatives and I am going to

end up with another laugh here in a minute. It is not intentional but because I live in St. Helier on the outskirts, I tend to walk into town. I tend to walk to appointments and, as far as I am able, to my commitments within the Parish. I also attend not only the district that I live in, I attend many of the Parish functions and, indeed, I attend many of the other areas where it has a bearing on the States or within the Parishes, and that includes as far afield as Havre des Pas. I tend to walk to there or up to the other end of town towards St. Saviour's Road within the Parish of St. Saviour, and sometimes I encroach into them when there is something relevant. So, what you pick up, in fact, is that the urban Parishes are a Parish like any other. It is just that there is a huge amount of more people in them. But the other main thing about it is that they represent a lot broader pace because of the density of the housing, and especially in the urban Parishes you also have a lot more percentage of young people, old people, people that have recently arrived to the Island, some people that have been here 100 years, *et cetera*, and they have a wide diversification of opinions. I made the mistake a few weeks ago of referring generally to the residents in St. Helier who only see cows, in the main, that are in the bronze form at West Centre. I promptly got my wrist smacked from one of my parishioners who said: "I have got a nice herd of cows and we are in St. Helier." I know he has got a very nice herd of cows and I am very proud that he is there. There is not enough of them, but for a town Parish, if you like, we have lots of different people ranging from people who feel that they live in the country, people that feel that they live in a quiet residential area to people that live on housing estates or right in the centre where they are cursing and swearing at the moment about the new smoking policy because everyone is outside having a cigarette. But, more to the point, is that they are having a conversation which, in quiet back streets, reverberates around. So, we do not always get it right for every purpose, but I am going to put one or 2 alternative things forward that have been suggested and one of the suggestions is that, in fact, you can reduce the States quite quickly by putting all the Connétables in a separate chamber on a Tuesday on the opposite week and they can play a very valuable role in having a States' role, if you like, for the Island as the Fathers of the Parish. They can be the Fathers of the States and, seriously, that is what people have come up with as a suggestion. They heard it on talkback, first of all. That came up one week, I understand, as a second Chamber, yes. This is one that has come up. Now, another one is that you take, which has been suggested, a small Parish where the Constable is readily available to be able to talk to anybody at the same time; and then you get a big urban Parish, like the Parish of St. Helier, where the Constable is unable physically to pick up the phone every time that someone wants to talk to that Constable or attend every meeting and either does not attend because he has got a second commitment or he leaves early or he arrives late or whatever. So the other suggestion is that one should think of the alternatives. Yes, you can have a Constable. Now, some of them can put more impact into the States because they are less committed within their Parishes. On the other hand, some of the urban ones like the Constable of St. Helier - as a St. Helier representative - is unable to do this. Now, he has lots of little Sub-Committees; Roads Committees, Youth Committees and all sorts of other committees. Now, some of the other Parishes have similar such things but it is now being suggested if you do not go down the road of removing the Constables of the States *per se* but then what you might consider is that the Parishes - and it is nothing to do with this States Chamber but again it is what some people have suggested - that the Constable should have the opportunity, or the parishioners should be allowed to consider having the opportunity, of the Parish having a Deputy Constable, not necessarily one that is a Member of the States and probably not that, but elected by their parishioners to support their Constable who can carry on doing things. Now, the Council of Ministers has Deputies. I am an Assistant Minister and through again talkback, I understand that my role in life is to sweep up after the Minister [Laughter] and, of course, it does have the other advantage that if a statement is made by the media that is incorrect, they usually want to have another opinion on the subject so I am able to sweep up and put some more... [Laughter] without contradicting your Minister. So, there is another alternative that can be considered. Now, the thought also goes into the amount of work that the States are doing. I quite agree from the days past and the legislation that is required and all the checks and the balances that are needed, there is an awful lot of States' time, and a lot of these

things in the past were done on the hoof. Now, you and me know that the thickest of the propositions that come to the States are usually complicated and they go through with a nod. Now, the most simple one page thing - because it is everybody's favourite and they want to have 53 opinions on it and, of course, they are all experts in their own field, something like higher hedges or something like that - you can discuss all day. Now the reason the complicated ones are not discussed in great depth is because you have a Minister, you have his department, you have the consultation process which is flogged to death - if you listen to the public. They just cannot cope with all this, but they recognise that it is better than having no consultation. Then, of course, we have got the Scrutiny process and now we have got 5 Scrutiny Panels plus the officers that support it to do the research and not forgetting that we have the opportunity of bringing in the specialists who usually form 2 areas of thought. One is for it and one against, generally speaking. But it allows you to have the broadest outlook to make up your mind. So, the thing is how many should you have in the Assembly. I think at this stage it is going to be just under the 50, to be honest with you, and yes, at the end of the day we will probably lose one or 2 sweepers-up but never mind, there is employment in the Parish **[Laughter]** so there we go. How should Members be elected? By the Parish basis, Island-wide mandate or large constituencies or a mixture? I am all in favour that we should be all elected on the same day. It keeps it in a nice straightforward form. I might represent a district of St. Helier but I am often called by people from all walks of life and from all around the Island. Usually what I do is I have the courtesy to tell the Connétable of what I am doing if it is something that is significant as opposed to an individual or personal thing, and also the Deputies as I recently did to all the Deputies in number one district, I think, of something that came up. But it is easier to deal with it yourself than pass it on. There is nothing worse than passing something on when you can deal with it yourself. So when it comes to Senators... there is the argument that if you do not have this delay that they can drop back to be a Deputy, the only people that are going to be a Senator will be the newcomers and they, of course, will not have any experience. The only other alternative suggestion I have heard is, in fact, from Deputy Ferguson who is suggesting that you indicate that you want to be a Minister and then you go for another election. Now, there has got to be somewhere in there for a decision to be made and that is why I think that the Deputies and Senators should have one 4-year term of office and the Constables should be included in that as well. It makes life a lot simpler except on one day every 4 years, and I am sure we are going to find a solution to that problem if it is required. If it is not then, in the honourable way, the P.P.C. will come out with a compromise that we will be able to look at. So, how long should the term of office be? 4 years. Should there be a general election or continuity that comes from staggered elections? I believe in one day. Should a referendum be held on the process? I can assure you of one thing. There are mixed views on this but in the basin of St. Helier they believe that there should be a referendum, and they would obviously like that whatever they have decided that the States abide by. But one thing they do want in the referendum is this question about Constables having the automatic right because the one thing that does come out of the basin of St. Helier - this is not everybody, this is just people that stop in the street - is that they want the Constable to be elected and especially in the basin of St. Helier where they cannot get at him quite so readily as they might do as the Constable of Grouville, shall we say, or St. Lawrence. If there was an election and he stands forward, like usually it happens in the first term of office for obvious reasons - that is how he or she has got into the first term - it gives them the opportunity to come down to the Town Hall and as one member of the public who stopped me this morning says: "I can give him a good grilling" and I have told him he can do that any time; it is not a problem. But that is not the point. It is what people perceive and what people think and I must admit it is one of the areas in general conversations there is this parochial difference probably between urban areas and country areas, that in urban areas generally people come down from the Prishes to get elected because it is perceived as being easier - except for the Connétable - and then go back and live in their nice green suburbs. **[Laughter]** So it might explain why there is less ownership, but you have also got to bear in mind there is probably less ownership for all... **[Interruption]** What was that? It was the elephant? Oh, it was not the mobile phone? Oh, well, we just lost £20. The other

thing, of course, is that when it comes to ownership because of the density and the large size of the Parish, people are less likely to go to the polling stations and we asked the reason why. Well, if you stand outside a polling station all day you will see the reason why. They are usually in the outskirts of St. Helier as opposed as to in the centre like the Parish Hall. They arrive at places like Rouge Bouillon polling station because they live in the next street up and are told: "Oh, this is the wrong district. You are in number 2. You have got to go up to Springfield" or you live down on the Waterfront and you have got to walk miles to get anywhere else or you are up at Mont Cochon and you have got to walk down to Rouge Bouillon. Now that is one of the reasons why people perceive they cannot be bothered because it is not going to have much difference anyway. So I would like to really conclude on the point that that is an area that I perceive - apart from the 4 years and polling on one day - that we should seriously look at in the method if nothing else of enabling people to get to the polls. But I would also like to finally say, because it has been referred to several times about our district in 3 and 4, that all of our Deputies work very hard together. We have all got different skills and we work with our Parish Constable extremely well. We are the heart of St. Helier because everybody else in the Island comes to St. Helier and is also a part of St. Helier. So we are really rather privileged that you like our capital and we do not mind on any occasion when you want to contribute more to it **[Laughter]** in supporting to keep our amenities nice and clean, that is for you shop owners or whoever, and also for not dropping chewing gum, cigarette ends or anything else while you are in our Parish. Many thanks to you.

1.19 Deputy P.N. Troy of St. Brelade:

I now have this wonderful image of Deputy Fox holding a Ken Dodd tickling stick and a broom in the other hand sweeping up from the Minister's desk. It is quite a thought. I would like to thank a lot of Members who have mentioned the Troy rule. **[Laughter]** Number one, for the free publicity that it has given me and, number 2, because it does reaffirm that it is probably one of the most important contributions that I have made to this Chamber. **[Laughter]** I hope that one day it does get adopted by some other small jurisdictions. Of course, a fundamental part of the Clothier recommendations was a common membership of the States and the Special Committee on the Composition and Election of the States, of which I was a member, made proposals in 2004 which were, in my opinion, visionary but yet considered radical by this Assembly. The common thread in those proposals was to achieve the common type of membership. Sadly, in my opinion, Members just cannot cope with a total restructuring of this Assembly. They are quite frankly frightened of real change. None of these options gets us to a common type of membership and that is a failing of every option presented in these proposals. I would like P.P.C. to seriously look at how we can move to achieve a common membership even if it is a 2 or 3 stage event over a 3 or 4 or 5-term election cycle. Their proposals when they bring them forward should be adaptable at a later date to move towards common membership if we need to. I implore P.P.C. when they are thinking of bringing their proposals forward not to bring anything forward that blocks that common thread so that we could move to it in 10 or 20 years time, because I said in the 2004 debate that this Assembly would not be ready for a total restructuring for 20 to 25 years and I still think that runs true. This Assembly has shown no inclination for real change. The visionaries are not in this Chamber. They are not here in great numbers; conservatives abound. Now if I were to vote for any of these options I would be looking to support one which can ultimately move to that common type of membership and probably the only one that does is option 2 with maybe more Members, and Senator Routier did mention that that option could be amended so that the Connétables could stand separately for the States. But ultimately whatever comes forward it should have that thought that at some later date we can move to a common membership because I think that is vitally important, and even if we do not do it now, if we can do it in 20 or 30 or 40 years' time, that is fine by me. Now moving now to the number of Members in the Assembly, I must agree with others that perhaps 47, 48, 49 is probably the lowest that one could go because it does - as others have said - have significant consequences regarding the workload for Members and it also has the consequences that Scrutiny might be severely damaged by reduced numbers on Panels and Sub-

Panels, and also consequences for electors in that they are even less represented than at present as you have cut the numbers down in the Chamber. I agree with others that the mechanics of the election process will have to be considered by P.P.C. when bringing forward any proposal and any Members who make amendments to P.P.C's proposals should also establish that their proposals are logistically possible. I think that is a requirement that we need to ensure as we bring that forward. Members have mentioned that currently people can stand as a Senator and then later as a Deputy, and I think one way you could eradicate that is to have nominations for all positions on the same day. So you would have nominations on the same day and even if you had the elections 2 weeks apart the fact that you have held all the nominations on the same day could mean that you would not be able to stand for a Senator and a Deputy if we had a mixed Chamber still. You would make it a rule that you could not; you would have nominations on one day but only for one position. So where are we going to be at the end of this exhausting process? I have a suspicion that we may end up with a general election, a 4-year period of office and minor changes to our structure. Nothing ground breaking, nothing visionary. That is what will be the outcome of this process.

LUNCHEON ADJOURNMENT PROPOSED

Senator S. Syvret:

Could I propose the adjournment now? I understand there are quite a number of other Members who have indicated that they still plan to speak, so I think we should adjourn.

Deputy C.F. Labey of Grouville:

I wanted to ask on a point of clarification. This has all been very enlightening but we seem to have had a beginning and a middle and I was just wondering when we might have the end **[Laughter]** given that we are going to be debating and voting on this subject in 6 weeks' time anyway.

The Greffier of the States (in the Chair):

To answer your question from the procedural point of view, Deputy, curiously Standing Orders give the Chairman the ability to say when the sitting will end, so I could let you go now or I could keep you here all week **[Laughter]** but I think more realistically clearly it was always agreed that the Chair would take a steer from Members on that point. I certainly have at the moment 8 other Members who wish to give their views. I would have thought it needs to continue certainly into the afternoon, but I would imagine no one would want to go on beyond the end of this afternoon.

Senator M.E. Vibert:

Could I say as a member of P.P.C., and I appreciate that some people may find it tiring or have other things to do, but P.P.C. have to move forward on this and this in committee debate is proving, for at least one member of P.P.C., invaluable. I will not say I will hold it against you. I am making notes of what everybody has said and I think it is going to inform very much our deliberations what we come back with, so I think it is very important that everybody who wants to say something has their chance to say it and that we all give them the courtesy of looking to them and come back this afternoon so they can say it.

Deputy P.J.D. Ryan of St. Helier:

I wonder what the mood of the people is as to whether we have a shortened lunch break **[Members: Oh!]**. Obviously not.

The Greffier of the States (in the Chair):

Very well, the Assembly stands adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

The Greffier of the States (in the Chair):

The discussion continues with the Deputy of St. Mary.

1.20 Deputy J. Gallichan of St. Mary:

I have been listening with great interest to the contributions made so far and as a member of P.P.C. who has given this matter a lot of consideration over the past year, I think that my role here is more of a listener than as a speaker, but I would like to note a couple of observations on what has already been said so that the speakers can correct any impressions that I have that may be wrong, or at least use their second or third speeches to add a little clarity if I seem to be lost. I would also hope to introduce perhaps one other idea for consideration. Firstly, on the need for change, maybe there is a great need but I personally - like many other Members here - have not been made aware of it by the electors. Deputy Le Hérisier, as has already been pointed out by my colleague, said that he will be disappointed if we do not make radical changes here. He may be disappointed but where is his evidence to show that lack of change will disappoint the public of the Island? **[Laughter]** I believe that the use of a low turnout figure as a major reason for reform is and always will be a herring of the reddest hue. I believe that low turnout is not simply due to general satisfaction among the electorate as some have suggested; I tend rather to think that in some cases it is due more to a lack of interest in the candidates and their policies. In short, the voter is not inspired by the choice on offer and really does not feel that their turning out to vote will make any difference whatsoever to how the Island is governed. Of course, the very poor turnout in the 2005 elections was largely due to the success in increasing the number of registered voters. You can lead an elector to the register but you cannot make him or her vote. Probably similar numbers voted in the last elections but, of course, the percentage registered was higher and so the percentage number of people voting was down. So let me be a little bit controversial here and ask does the low turnout matter? In last years' debate on the census we were told that there is a golden number for statistical sampling whereby a trend is established and even a considerable increase in the number of persons polled will not affect that trend. Is the same true of voting? There is some anecdotal evidence that this may be the case. Historically speaking, the Senatorial poll result in the smallest constituency, my own of St. Mary which tends to declare first, often predicts the final overall Island result and quite accurately in fact; either the names and poll positions are correct or the names are correct and the positions may vary. The vital thing surely is that people are empowered and enabled to vote if they choose to do so. Deputy Southern wants to link the right to vote to the population register. Quite apart from whether that is practical or desirable from a political viewpoint, it is questionable from another. Is it right that we should expect people who have no understanding of the Island's traditions or government structure to come to the Island and vote immediately before they have had the benefit either of a citizenship coaching or of a decent interval in which to immerse themselves in Island life? The large numbers of migrant workers here often choose not to vote even after they qualify to do so. This may be because they do not feel this is their permanent home, or it may be because not understanding fully the Jersey way but knowing full well that it is responsible for the preferential conditions that they find here and that they have come here to take advantage of, they are reluctant to enter the system. I wonder will we find anyway that at the next elections the general interest in the process of government is rekindled by the change to Ministerial government. The public are being encouraged more than before to play an active part in government by such means as participation in the Scrutiny process by invitations to participate in consultation exercises. It is possible that this could go a long way towards reconnecting the people with the government without any further changes being necessary. Now let me make my position clear on one point, and here I pick up what one of the earlier speakers, the Constable of St. Ouen, said. Fundamentally, we must decide whether we value our Parish system or not and whether we wish to see it continue to thrive. I wholeheartedly believe that our Parish system is vital if we are to continue to maintain our

Island traditions, especially those of the honorary system which is already under pressure from all sorts of areas. Indeed, several Parishes already find difficulty from time-to-time in filling all of their honorary positions. I really believe that a move to super-constituencies would remove an essential element of the Parish identity and its strength, and that would almost inevitably be another blow to honorary tradition in this Island. If we lose our honorary traditions then we radically and probably irreversibly change the whole feel of this Island and we take away one of the really unique qualities that we have here which has served us so well for so long and which has led to much of the Island's strength of identity. Going again to Deputy Southern he has made claims that the electoral register is wildly out of date. Registration is a requirement under the Law but it is not enforceable, i.e. there is no longer a penalty for not registering. It should be remembered that it was a conscious decision when introducing the 2002 Public Elections Law to remove the non-return fine. The onus is now on the Parishes to chase again and again. This is burdensome on administration and costly to the ratepayers. However, there are mechanisms in place to enable people who move between addresses and Parishes to keep their information up-to-date. Many choose not to do so for a variety of reasons and some simply do not bother. Perhaps, in fact, you cannot even lead an elector to the register. The problem here is that for many armchair critics of the government by the time they realise they cannot vote in a forthcoming election it is too late to register. An outstanding or an outrageous candidate declaring at the last minute might make people want to participate but they cannot. The remedy - either have a true rolling register and do not take people off at the end of the 3 year cycle, or only take them off when there is evidence they have left or died. More importantly, do not make them register every year because people see this as tedious and cannot understand why it is necessary, or enable some degree of registration after nomination. We have heard a lot about the composition of the States and not so much about the election. I believe that electoral equality means that all citizens should have an equal say in electing their government; one man, one vote. Clearly, in those 8 districts where voters can choose more than one Deputy this equality is lacking. I think we should consider adopting a new system such as the single transferable vote in these cases. The term of office seems to be the least controversial topic of all and I personally would agree that 3 years is too short and probably 6 years for a Senator is too long, and I would be very happy to go along with what seems to be the majority and increase the term to 4 years. But should this be for all Members or just Deputies? Before that can be decided we need to see if we will keep the role of Senator. If the terms of office of Senator and Deputy are brought into parity the only practical difference currently between the offices is the mandate. The major bar to maintaining an Island-wide mandate would seem to be the difficulty in staging the husting meetings. One possible but controversial way to eliminate these would be to say that anybody standing for the Island-wide mandate would already have to be a candidate in the public arena; in other words, have already been elected. Of course, the major criticism of this would be the precept that elected office must be acceptable to all. In any event, what would be the point of maintaining the office of Senator unless there was a different role for them to play in the States? For example, it seems to have been said by a number of people in various ways, perhaps should all the Ministers be selected from among the rank of Senator? Now this would severely limit the choice of the Chief Minister in selecting his Ministers and would also render it nigh impossible to challenge the choices and propose alternatives. The suggestions already made seem to run along the lines of standing for Deputy first and then getting an endorsement from the Island for the higher, if you like, status of Senator. The cost of running a Senatorial campaign is far greater than that for a Deputy's election. If you are to encourage candidates to run for 2 elections, surely the cost alone would bar some of the candidates. The nature of the campaign is very different as well because there is less personal contact with the electorate in a Senatorial campaign and for these reasons alone it is essential that any changes here are combined with legislation to control the conduct and funding of campaigns and electoral expenses. I would remind the house that P.P.C. is committed to bringing forward change in these areas. What if the Chief Minister could only be elected from among the Senators? Well, this would certainly give the public the chance to voice their opinion as to the suitability of any person aspiring to that office. It could be argued that this

would limit the choice of candidates, but it has to be seen that out of 53 current Members there were only 2 candidates anyway. All in all, I have tried in every way to think about including the Island mandate but this is the one area of the proposed changes that I find hardest to accommodate with any certainty. I do, however, support the present position of the Constables in the States. Only they are able to represent the Parish as an entity. They are the only ones in a position to fully appreciate the impact of proposed legislation on the Parish system. Most of the Constables are active either in the Executive or as Assistant Ministers or as members of Scrutiny, P.A.C. (Public Accounts Committee) or P.P.C. and as the Comité des Connétable is now able to bring propositions in its own name, I believe the Constables will be in a stronger position to demonstrate the value of their contribution to this House. Furthermore, should a decision be made to move to super-constituencies, where would the clear line of reporting be for a parishioner who had, perhaps, a problem dealing with their Constable or was concerned about something their Constable was doing if they had no other clear line of reporting to a Member in that constituency? One of the other points that came up yesterday that caused me some initial interest was that of Deputy de Faye concerning rolling terms of office. Initially I was quite excited by this possibility because it would get around one of the problems that I have with the current system which is the hiatus when you declare an election, when everything literally ceases for more than a month while everything is re-decided, the new elections are held, and then the first thing the new House does when it comes in is elect a Chief Minister and then the rest of the process follows on. Huge decisions which have far reaching implications for the whole term of the government are done immediately. Of course, if you had rolling terms of office there would be a time for overlap. But I agree also that this would lead to uncertainty as to the full term of office of the Ministers and of the Panels and, overall, probably would lead to increased election fatigue which is what we are trying to avoid I think. Finally - probably I think for now as I can always speak again you will be pleased to know - picking up from what Deputy Le Hérisier has said on one side he seems to think that the Constables already have a huge role in their own Parishes. Of course they do, and I say this without any judgmental intention at all, but then again there are other Members who have very different roles outside of politics and continue to run those parallel to the interests that they have as States Members. I do not make a judgment on that, as I say, but I do say it is entirely down to having your priorities clear and your time management done in a clear way and I see no reason to disbar the Constables from office in the States in their own right as Constables simply because they have another job to do as well. I think perhaps Members could bear that in mind as they continue their deliberations.

1.21 Connétable T.J. du Feu of St. Peter:

Maybe I have some good news for Members at this moment because when I paid a visit recently to the St. Mary's meeting and expressed a view it promptly brought the meeting to a very abrupt and swift end. **[Laughter]** I am not going to delve into those comments; my views can be seen on the report which is enclosed on the consultation. We are told that there is a great ground swell of opinion. People want change. People do not like the system and, however it is dressed up, radical means and measures must be taken. There has been contact made by some Members - measurably made - in considerable numbers. Well, I have had contacts though not a great number, in fact less than 25, but I have noted them all and all bar one who assures me that he has a very open mind on it, the remainder do not want a lot of tinkering. They want an improved streamlining, yes, where it can be achieved and where it can be done, but they do not want sudden radical changes just for the sake of change and just keeping up with the desires or the wishes of a very small minority. It was perhaps ironic that not that long ago, there was a call that the electoral system was responsible for the bad turnout and that it was the fault of the Connétables who were in the principal firing line once again, as to the lack of the electoral list being in order and everything else. Well, there was a change brought about in the electoral listing system under the Law and Regulations. That being done, people who have the right to express a vote may do and they are reminded on no fewer than 4 occasions if they fail to return the initial and first copy of their form. I think that if someone is

reminded on 4 occasions and they just do not respond you cannot do or ask for any more than that. This morning we heard a comment from Senator Routier that he loved the Constables and then he went on to give in a very subtle way that he could possibly elbow the Constables out, but anyway that is for another day. The speeches that we heard earlier on from the Connétable of St. Lawrence and, indeed, the Deputy of St. Peter both outlined the core foundations of our system. They have been touched on by other Members but perhaps not quite as strongly and positively as those 2 speakers. Every Member has their opinion and quite rightly so as well. So they should, and let us hope that long continues. But the one thing above all else, let us hope that all those people who want their opinion have the good grace and respect to listen to others as well if they may not agree with their particular philosophy on this change. I believe there are a couple of very quick and relatively easy ways that we could improve the system and I am expressing a personal opinion here that I agree with the well supported 4-year term. That, I believe, would be a considerable help and assistance to all. I would advocate a reduction in the numbers down to 45 and that would be made up by reducing the Senators by 2, leaving 10 Senators, and the 12 Connétables and 23 Deputies, with the Deputies positions being reassessed accordingly to the particular Parishes in question. An election day on the same day certainly would be quite fraught and complicated but nevertheless it is not an impossibility. It is not one that I feel would be in the best interests of the electorate I would say, purely because of the numbers that it would demand, but it can be done and I would have a very open mind on that. With regard to the ideal, I believe that it would be better served by having a 2-year election period based on the 4-year term, i.e. your Deputies and Senators on one year, 2 years later then exactly in between and the same month of the year in possibly May or June. Then you would have all your Connétables having an election on the same day. It could even come as close as the Connétables in the first instance prior to the actual election, what would be described I am sure as the general election some 12 months preceding it. I believe that we should approach it with a very balanced mind and a balanced view and not one to go just headlong into changes, as I said earlier, for sheer change sake, but mindful that we can improve the system. I think without doubt that we owe it to the Island at large and, indeed, owe it to ourselves, I believe, to make and bring about those changes which can undoubtedly improve the system. But at the same time we do not in any way, shape or form want to undervalue or diminish any of the good work that all Members do in so many different ways, and I mean regardless of having different views or opinions. I am in no doubt that every Member in here works for the one cause of trying to better their society and their kinfolk in the Island wherever they are located and whoever they represent be it in a Parish or, indeed, Island-wide and that certainly is very much as it should be. But we must not lose the stability which undoubtedly, despite perhaps the hells of division at times that sometimes do occur when certain unpopular decisions have to be made, we must not just sweep that aside for the sake of changing. We have to balance these things out, balance them sensibly, and above all else that they are workable within the whole structure of the Island. There are many that criticise certain elements of the Island and there are certain industries, very active and vibrant industries within the Island, which have come in for a lot of very unfair criticism. What has to be realised is they have a functional part very much within the whole economy, the whole basis and the axis on which the Island operates and the Island has come to rely upon. We cannot afford to lose that stability. We cannot afford to lose that balance. We can improve and I will be extremely interested and I sincerely hope that whatever comes forward from the Privileges and Procedures Committee in due course when they deliberate among today's content that it will all be of a very positive nature. What pleases me very much up to this moment in proceedings is that there have been a lot of individual opinions expressed on how it is seen that it may be improved, some more radical than others but nevertheless everybody is venturing a view without resorting to out and out tactics of attack upon individuals. Let us hope that remains for the remainder of this debate. If that is so, I honestly believe we can get on all working together so much quicker, so much more effectively.

1.22 Deputy P.V.F. Le Claire of St. Helier:

In researching the issue of the composition of the States Assembly I managed to compile about 17 volumes of material of which I have managed to condense down to about 4 pages. Those pages are predominately drawn from the work of the Committee of the Privy Council on proposed reforms in the Channel Islands in March 1947. Over 60 years ago by order of His Majesty in Council dated 4th June 1946 a Committee was formed on the instructions of the Privy Council to inquire into reforms and the constitution and procedures of the States of Jersey and Guernsey, and also into judicial reforms in both Islands and advise His Majesty thereon. Over 60 years ago they stated in their report - which is available from Her Majesty's stationery office - that: "We have found that despite a natural desire to adhere where possible to their traditional forms, public opinion has for some time passed felt a need for adaptations desired to tally with changing concepts of government." Now that is not that historical, but it is historical enough to say that for some time passed in March 1947 the Privy Council was of the view that the desire for change within the Island had been there for some time: "As the proposals affected the constitution of the Assemblies themselves, we thought it desirable to afford the fullest opportunity to all persons and organisations interested in reform, whether or not they held any office in the public life of the Islands to express their opinions to us. Accordingly, by public notice all persons wishing to make representations were invited to communicate with the Committee." They made a public notice and they made it quite clear to people that they could come forward under certain headings and give their views: "They stayed in Jersey from 15th to 21st December and in Guernsey from 21st September to 29th September. The authorities in each Island had placed the Royal Court Houses at their disposal for the public sessions. Evidence was taken in public for 4 days in each Island." So, 4 days of public consultation in March 1947: "With an Island abuzz for reform in respect of the Deputies' appointment to the States after the ending of the Island's occupation by the German Armed Forces. There was one evening session in each Island from 6.00 p.m. to 8.30 p.m. to accommodate those people who could not attend during the normal course of the day." They heard in Jersey 39 witnesses in 1947 many of which were off topic talking about bad Jersey laws and the lack of welfare, *et cetera*, and 29 representations were made in Guernsey. I will skip through the issues to the heart of what we are talking about today as to what they found out then because it is still relevant: "The Constables: the States proposed that the position of the Constables were to be unchanged" and they say in their report: "We heard evidence from many witnesses both for and against the removal of the Constables from the States. The arguments expressed to us in favour of their retention are that the Constable is a direct representative of his parishioners having been elected by popular vote. That from the nature of his parochial duties he is in daily association with his electors and is, therefore, well acquainted with their views and wishes, but he brings to the States a valuable practical knowledge of municipal administration. That the removal of the Constables would be contrary to public opinion and that the present system has always worked well in practice." Predominately relying heavily on the "he" in that paragraph because at the time women were not allowed to be Constables and there were no recommendations to change that at the time: "The arguments expressed against their retention are that the Constables are elected primarily for administrative duties in the Parish and no attention is paid to his capacity as a legislator. That his parishioners would usually re-elect him provided he keeps the Parish rates low with the result that Parish relief may be inadequate. That no one should be elected to the States by virtue of election to any other Island or parochial office. That the Constable in his police capacity is subject to the directions and influence of the Attorney General and may, therefore, be influenced by the Attorney General's views in the States. That the inclusion of the Constables gives an unfair preponderance of country representation and that Constables in some cases do not in the States conform to the wishes of their parishioners, although those who oppose the retention of Constables in general rated their influence at a low level. There were some who thought that Constables overawed newly elected Deputies from their Parish." There was no evidence to refute the suggestion that public opinion was in favour of their retention. There was no evidence to say they should go from either of the 39 contributions. They considered the position that the Island was being represented at the time with an over-preponderance of country representation. And they

established at that time that they thought it was right in view of the importance of agriculture and horticulture in the life of the Island that there should be a slight preponderance in favour of the rural areas. So the Privy Council having established its view on the Island at that time established that given the weight of the agricultural and horticultural industries in its importance for Jersey at that time, there should be more representation in those areas. So obviously if they were to come along today they would see all the banks and say: "Right, we should be putting that preponderance of legislative ability in the hands of the people in town because that is where the vast majority of people are making their daily wages and spending their daily time." However, they concluded that: "While there is some force in the objections to the retention of the Constables in the States they would not on the evidence that they had received be justified in recommending any interference with the present position. At present, elections of Constables are held as offices become vacant." This is the crunch. This is why I have gone back to this because this is why we are here where we are. Over 60 years ago this is what they were saying: "We think consideration might be given to the possibility of all Constables retiring simultaneously; the vacant offices being filled by a general election at the same time as the elections for other offices, but we think that this is a matter which the States with their knowledge of local conditions should decide." Well, 60 years later and I am getting blamed for a 5-minute speech. The reality of the general election which was thrown around during the Clothier times - and we have been criticised as turkeys voting for Christmas by Santa Claus who wants to promote it - that we should be getting rid of the Island-wide mandate, we should be getting rid of the Constables, we should be having a single category of Member and we should be having a Ministerial form of government put upon the people without their actual inclusion in those considerations which I think was absolutely disgusting. I think that we should at least have put that in a referendum to them as they did in every other jurisdiction that was part of the Local Government Act reforms, but we never did. We, therefore, are now getting pushed by the same corners to make radical changes in a government that has just barely sat down to understand the difficulties and the anomalies which we are currently feeding into the Chairman of the P.P.C. on the issues about Ministerial government. We have not even sorted out the committees let alone the Scrutiny Committees, or the funding let alone the Scrutiny Committees themselves. We are being asked whether we should consider one of 6 different methods to change the way we govern. We are also being told that perhaps if we cut down on some Members we can spend that money, much to the public's delight, on the pensions of the ones that are left. I think what the public are saying, as they said about general elections, is something completely different. They are not saying: "Spend your money in different ways." They are saying: "Spend less money. Give us greater opportunity. Give us greater representation." A general election - not Senators, Deputies and Constables - was mainly the critiques that were coming from people in quarters that spoke about the elections for Constables. The preponderance of people in Jersey wish, as I believe, the Constables to remain in the States but they believed, as do I, that perhaps the Constables might wish to look at the issue of all being elected at the same time whether in a new system whereby they challenge for the Deputies positions within the Assembly, or whether by the same position but they just do it so that people are not caught unawares that there was an election last night at the Parish Assembly where Mr. Bloggs, who has been a good farmer, turned up with his wife and kids and a couple of his mates and sat there for half an hour and was duly elected to the States of Jersey. It is just not on. In the last issue of this March 1947 review by the Privy Council was election expenses and the preparations of voters lists: "We found in the course of evidence that there was no law relating to the expenses which may properly be incurred by persons seeking public election to the States whether for the offices of Deputy or Constable which are on a parishable district basis or for the office of Jurat which is on an Island-wide basis. It appeared that candidates for public election provided refreshments for their supporters during the course of an election and paid for the cost of conveyances to take voters to the polls. Practices such as these make the cost of elections unduly high and are on every ground undesirable. We recommend that the States should consider legislation to limit and define election expenses." So now, as then, they were saying the same kinds of things that I have been saying and other Members have been saying and are saying again

today. Let us have a 4-year term. Let us have a general election for the Constables. How do we achieve that? They agree to all resign *en masse* and stand in an election? Right, they have agreed so we can do that. The Constables should retain their positions within the States of Jersey Assembly in my view and I endorse their retention. I also endorse the retention of the Island-wide mandate. I think the P.P.C., although I did mention this in an email but I will mention it in the debate as well, should put quite firmly on paper proposals before us for our views in relation to, with background, the position of the unelected Members of the Assembly. Because that will also go on for a few more years and has been going on since that time and before, and it is something that has been identified as a very complicated issue that does need addressing in some form at least in the debate for the future. So I would request that P.P.C. puts that on a piece of paper and circulates it for comment as a consultative document with the background as to the different offices, what their functions are, and what the options for change might be necessarily if we were to do away with any of them. I believe in a single transferable vote and I also believe that many Members, like the public who are not coming out in droves, recognise that much of what we do is working. What the public are getting fed up with are being told that Clothier was what it wanted and what the public are getting fed up with in my view, which I think is the issue, is being given what they are not allowed to order. They are not given a menu; they are getting given set courses. You can have this or you can have that, what do you want? Well, can we look at the menu? No. We have looked at the menu, we will decide. If a referendum is difficult, if a single transferable vote is difficult, if a multiple choice question is difficult, if an open-ended or a closed question is difficult then why do we not trial it in the schools? Trial it in the schools with the Education, Sport, and Culture Ministry where education, sport and culture rests and let us see if the younger people can manage to get it right. Let us see if the preponderance of participation in those kinds of issues are able to handle a multiple choice question in a referendum. If the evidence comes back that they are capable of doing it, then why would their parents not be capable also?

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

I want to start off by speaking about Deputies and referring back to the speech by Deputy Ryan. No one has referred to it yet, so I am going to. I thought it was a good speech. It gave a bit of a lump in my throat as he talked about the experience of being a Deputy, cutting your teeth before becoming Senator. He did not mention becoming Constable. He obviously has no ambitions in that area which is a shame as I think he would make a very good one. The reason it brought a lump to my throat is because I started out as a Deputy 11 years ago or so and I think it is essential grounding for States Members to begin their political careers on the door step talking to people about their problems, tackling local issues. I think we forget that at our peril and we risk this exercise today becoming a kind of navel gazing and, indeed, I thought of this yesterday evening when I noted that not one States Member turned up at a public meeting to which I gather about 2 dozen were invited. I turned up as a resident not particularly as a States Member given there is a new mobile phone mast going to be situated only feet away from where my children sleep at night and I thought to myself: "Well, where are the political representatives of St. Helier this evening?" The States had finished but they were nowhere to be seen. The Deputy role is crucial. People worried about what is going on in their street will always turn to the Deputy. They may sometimes short cut the Deputy and come to the Constable. I am sure many of my colleagues have found that to be the case but, by and large, that is why we need the Deputies; to make sure that people are effectively represented at grass roots level. And I think it was an important speech from Deputy Ryan. I am not going to say much about Senators because I have not been there but I must say I do believe that Jersey, being such a small place, will always require an all-Island mandate. I think there would be strong resistance if the States are trying to get rid of the all-Island mandate, possibly to reduce it by 2 or even by 4, but I think the public do want to have States Members that they believe they can all have some say in electing. That brings us very neatly round to the Constables and I have not forgotten, in case anyone is going to remind me, that 5 years ago on my manifesto I said that I supported the election of Constables directly to the States. Personally speaking, I have

no trouble with that at all. I think it makes a lot of sense. Having said that, I have been in the role for 5 years and, politically, my views have changed and I believe that there are some practical problems involved in that route that Clothier proposed and which I, as I say, at the time supported. I am going to outline what they are. I must say that 2 of the most interesting speeches about the removal of the Constables purported to come from great supporters of them. Senator Norman said that the Constables were the most important people in the Chamber, before going on to outline how they should be removed, albeit left with the ability to come back if they wanted to. Senator Routier did a similar thing. He, I think, went on at more length than Senator Norman, again professing enormous support for the parochial system before suggesting that no one can serve 2 masters. Presumably that means that any Deputy or Senator with a profession is not doing one of them properly. He used the phrase "how they can best serve their Parish" and I must say I found that, from a former Deputy of St. Helier, quite surprising. I thought: "Gosh, I must address my communication skills if the Senator does not think that the Constable is serving their Parish well by being in the States." I think what I need to draw Members' attention to is the fact that the practical problems of having some Constables in the States and some out and I do not think anyone has really thought about this very hard. Anyone who has attended on the meetings of the Committee of Constables - and we now meet every 2 weeks rather than every 4 which is, I suppose the way of all things - will realise that there is a tremendous need for consensus. We have my good friends from the rural rides with far fewer voters than the urban Constables. That tension - I would not want to say it is a struggle but it is certainly a tension between rural and town interests - that Deputy Le Hérisier referred to this morning in his, I think, very useful speech about the history of the composition of the States, that tension still exists. We have quite a lot of, shall I say, warm discussions about decisions being made by the Committee but it is a very important meeting and it occurred to me during this debate that really perhaps the Constables need to do more to inform not only States Members but also the public about the Committee of Constables, how it operates and the sort of things that it does. For example, I think if you were to tell the Islanders that it is only because the Constables have fought for it that they are not now all using a single driving licence prepared, probably at great expense, by some States department. It is only because the Constables have fought for it that all users of firearms are not now getting their farm certificates processed by the Department of Home Affairs rather than by their individual Parishes. There are an awful lot of functions which the Constables discharge and I think if the Island knew how those functions are at risk if they were centralised - and interestingly of course how much the costs would go up if they were centralised, the cost of their delivery - I think they might think twice about saying so readily, as some do, that the Constables should not be in the States. Why is it important that you have all 12 in or all 12 out? Because the functioning of the Committee of Constables would be significantly imbalanced and it would probably not work if you had some Constables who were in there with a States' voice and some who did not. There would be empowered Members and disempowered Members and, without blowing my own trumpet, it has to be said that when there has been an issue which is important to St. Helier I have been willing to come to the States with it and it has had an important effect, I think, in terms of making sure that the Parish can be represented. We can imagine a situation in which you might have, for example, the Deputy of St. Peter in the Executive. The Constable of St. Peter might not have chosen to be brought into the States. What influence would the parishioners have were the Minister of Economic Development to decide to enlarge the runway at the airport for example? I think the move to Ministerial government is important. Our government has moved away from the Committee system. It only now really stays on the Scrutiny side and in the Constable and, while we recognise the advantages of Ministerial system, it has concentrated power in fewer hands. I think the Committee of Constables maintains an important link with a tried and tested decision-making process. So, as I say, I can see enormous practical problems in having some in and some out and I think this needs to be borne in mind when we review how we are going to deal with this *ex officio* tag. The Constables have considered bringing in amendment to the States on the basis of the current debates that are set down on this subject. We asked ourselves: "Why should the devil have all the good music?" That is not suggesting that there

is anything diabolic about Deputy Southern or Senator Shenton but perhaps it is time that the Constables addressed the issue of the *ex officio* tag and brought legislation forward that would simply deal with it because, certainly in my case when I was voted for, people knew they were voting for me to be in the States Assembly and, certainly from the point of view of St. Helier, I think it is probably just as well I was. The other issue I think that needs to be addressed here is the single election day for Constables and I am certainly very glad to hear from Deputy Le Claire that this is not new, it was suggested 60 years ago. It is the Committee of Constables' intention to bring forward an amendment to achieve that, if nothing else. I think, while I would favour a general election where everybody was elected together, if we are not going to achieve a general election then really the general election day for Constables is the very least we should achieve in general elections. I think one of the advantages of that, it would certainly do away with the ability of these elections to come and go without notice. It would give the Constables an important opportunity to explain more about their role to the Island and I think we would see far fewer uncontested seats around the Parishes. It would then leave an important part of Parish life, which is of course the holding of Parish-based elections, without having to employ yet more civil servants to run an Electoral Commission as was recommended by one Member. The Constables run the elections with the help of the Jurats and I think it is a part of Parish life which many voters find important. But, having said that, I also support a general election if it can be achieved. I want to finally answer some of the other questions that we have been told we must deal with. A 4-year term I think is clearly sensible. Fewer members, I have suggested that we could reduce the number of Senators possibly. A general election for Senators and Deputies clearly avoids this ability for people to have a second bite at the cherry. Apart from that, I think Privileges and Procedures have come in for a bit of stick. I know one Member said it was a waste of time, this whole debate. I must say I found it extremely useful. We have had not only interesting variance on the notice proposed to us but we have had some very illuminating, as I said, references to the history of this debate and it certainly, I think, encourages to sense that we are part of a historical process of a very old Assembly and it is one that has to evolve but has to be treated with care.

1.24 Senator F.E. Cohen:

I will be very brief. I have only been recently elected and I think when you are recently elected there is always the temptation to suggest significant change, which I will resist. We are part of an ancient system that has developed over centuries and it has largely been naturally evolving. There have been significant changes but they have been largely in response to significant public disquiet and the references Deputy Le Claire made to the circumstances after the occupation are a very good example. I would caution against major reform at this time. One of the catalysts for this debate is very clearly a wish among all Members to increase voting numbers and in this area I think there is a huge opportunity. It has been mentioned by one or 2 earlier speakers but it is to implement a system of online voting. Within a decade nearly everyone in the Island will have internet access in one form or another and we are planning for the future. Many services will be delivered to Islanders through their internet connections and online voting is a natural extension to this. I believe it will enable Islanders to take more time to consider for who they wish to vote and it will very significantly increase the number who vote. It is an inexpensive mechanism and I think it would prove extremely effective and the sooner we do it the better.

1.25 Deputy G.P. Southern:

Well, I suppose we must be coming towards the end. We have almost had 53 opinions and we have almost got the Heinz 57 varieties out of it. We have gone through the options that have been placed in front of us and picked the holes in them and proven how they cannot be made to work, some of them, or how we fundamentally object to others. Very interesting. We have also gone through some of the loony-tunes of: "Oh, and here is another idea I thought of." The one that tempted me came from Deputy Fox when he suggested that we park all the Constables in a second Chamber and my only thought was: "Where are you going to put it? Not far enough away for me." **[Members:**

Oh!] But really, I mean we can create a song and dance, we can stand on our heads and whistle Dixie, but in terms of getting voter turnout we are missing the elephant in the room. The fact is that we have a system with 53 independent Members, a system almost guaranteed to produce no change, election after election after election. Now, we call this “stable government”. Actually it is inert. It is dead. There is absolutely no connection between anybody’s vote out there and an action that takes place in the States. How can there be? Because every candidate will stand up: “I have to persuade 27 other people, all independent, to do what I want. Therefore, I cannot guarantee anything. So vote for me and you will get next to nothing. You will get the same as before.” Deputy Fox, again, had me convinced as to why people did not want to turnout and vote. He said: “Because nothing ever changes.” How right he is. Whether St. Helier is a village - or a basin, I do not know but whatever it is - but nothing ever changes. There is no connection and until we do that, until we demonstrate to people that their vote means that something will change, that some action will be taken and that it will not be business as usual with a few changed faces but the same old guff, then we are not going to get them turning out to vote. Why should they? Why should they? Because they know it will make absolutely no difference whatsoever to what we do. That is the reality. So it does not matter whether we have a general election or we do this or do that, a single Member, move these people or move those people. A June election might work but we will have to be quick about it because that is only 15 months away. Let us get on with that one please. Finally, so far my name was mentioned twice in terms of making the right to vote attached to the population register and it is said: “Why should people who have just arrived in the Island be able to vote when they do not know our ways?” Well, the fact is that if we say to people: “You have the right to live here and you have the right to work here in these types of jobs and, by the way, you have the right to pay tax through I.T.I.S (Income Tax Instalment System) from day one as you set foot on this Island,” then I think the adage “no taxation without representation” applies absolutely clearly and that is the way it should be. The Deputy of St. Mary then went on to talk about the electoral roll, as it currently exists, and I think she made perfectly well and absolutely clear the case for attaching something to a reliable and independent register that we are told is going to be absolutely crystal clear and on the mark at all times because it is somebody’s job just to do that, to maintain a population register. So I think the case is still there for linking the right to vote to the population register. Finally, 2 people now - we are into loony-tunes I think - started talking about a single transferable vote. Think about it just for 30 seconds and you will realise the absolute farce that that is, 53 independent Members. Where do you transfer the vote to? It cannot be made to work. It needs parties and, on that stage, I will suggest humbly that the way to connect people’s votes to make sure something happens and the way to make sure a different electoral system can be made to work, we have to move - sooner or later, reluctantly or not - towards a party system. That way people know that if they get enough people of one party in the system then something may happen. At the moment nothing will happen.

1.26 Deputy F.J. Hill of St. Martin:

I was one of the sceptics. I just wondered whether today would be useful but I think I have to say it has been very useful and I hope that Senator Vibert has managed to write it all, he has enough paper as well for a little bit more than what I have to add, because I think what we had today is a fair old melting pot of ideas. Some things myself I have not heard of before, which is good I think. Not necessarily because I have heard it before but others, likewise, might not have heard it and I think it has been a good exercise today. The one thing I suppose we could almost say really, that States reform I suppose is a bit like taking a tooth out because, no matter how careful the dentist is, it will still hurt a bit and, of course, there will be a gap left. In fact, if we think about what we are approaching here, it is going to hurt a little bit. We do not know who it is going to hurt but it is going to hurt a bit and there will be a gap because if we do a change it will not be like it was before, so I think we start of with that presumption. Also the one thing I was most surprised at, when this leaflet did come out - and no doubt the Constable of St. Clement may tell us later on - is why we did not have the Clothier option in here. Because the one thing we did have with Clothier, his

Panel did go out and did carry out a fair bit of consultation and he did come up with a particular view. Even so that we have gone half way, because I was one of those great supporters of Clothier and I really thought we were going to go all the way. What we have done, we have gone half way. I think the word is "cherry-picked". One thing that Clothier looked for, again which is in common, he did look for a single election day: that one day. I think most important, and something which I feel quite strongly about, is that he was looking for one common Member. He was quite clear. He said: "There will be no Senators, no Connétables and, surprise, surprise - Deputy de Faye is not here - no Deputies either." So he was not saying: "You should only have Deputies in and nobody else," because what he did, he suggested possibly that we could name them something else like M.S.J.s (Members of States of Jersey) or whatever you are going to call them. He did not give a particular title but what he was saying was: "You should have one common Member," which I think Deputy Troy mentioned earlier on today. The one thing he did say which has had, I think, universal agreement - by the public anyway - is the fact that they were looking for a reduction in Members of this House and I think most of us today have all been talking about a reduction of some sort. We cannot necessarily agree what reduction we should lead us to but I think we are all looking at a reduction. Clothier thought that possibly if you were going to look to a reduction - he was looking about the number 42 and I will come back to that presently - he thought really that if we do have an all-Island mandate it would be unwieldy and I think we probably would like to think that. Even if you have 42, you cannot all be States all voted in one day. It just would not be right. Any way you look about it, if you were going to have a single-day election, why would Senators want to stand? What would be in it for them? Because really if they were not in they did not have a second bite of the cherry and I cannot see anyone wanting to run for Senator with the choice of not having a second bite of the cherry. Certainly, why have a Senator anyway, because there is no guarantee that a Senator will end up as a Minister. Indeed we have had it, not because Deputy de Faye is not here, but we have an example here of someone this last round did not get an Island mandate, in fact is a Deputy and is a Minister and, in the election in this House, defeated a Senator with an Island mandate. So one has to ask, what is the significance in being a Senator? With the Connétables, now again because I believe in one common Member, that is why I think that the Constables should not be *ex officio*. Not that I do not say they should in the House. I will come to the explanation why I think they can be in the House. But I think that what it would do, that if indeed the Connétables did stand to be a Member of the House, I think it would enhance their position, add to their credibility, because again I think there is this presumption that people go into be Constables, because they are going to be a Constable there are 2 jobs. I will be very careful because I am in the fortunate position of having 2 Constables - I may have none - and I also have a Deputy. But if I talk about the Constable of St. Martin, the Constable of St. Martin had an election this time. The first time for about 40-some-odd years but he quite rightly says that he believes that he had been elected to be a Constable to be in the States and he is making his contribution. However, again, if we are looking at the common theme, we are all equal Members but I would say that the Constables should stand side-by-side to be a Member of the House. Also, I think, something the Deputy of St. Mary has talked about, about protecting the honorary service. I think it is important we retain that honorary service. However, this is an anomaly now, that because we ourselves are States Members. Whether we are Deputies, Senators or Connétables, we are now paid Members. So we have a paid head of an honorary service who is paid to be a Member of the States who also happens to be member or the head of the honorary service. So that is something to think about. Also concern was mentioned about the fact that a Constable should be there to run an election and I do not think that is quite right. I always thought the Jurats ran the election and we now have a Chef de Police and I think that is how it would be. In fact, which Constable runs the election when they have an election themselves? So I think that is a bit of a red herring. On the issue of the Deputies, I always stood and I always said I was here to represent the parishioners in the Parish and the parishioners in the States. I do not think now that we really have the parochial Deputy. I think, if you look around now, very few Deputies are coming; almost like a progression, through the ranks; have been through the Parish system, Parish Centenier and then Deputy. There

is getting very few of that and, in fact, I think most Deputies now see themselves as representatives in the States on Island affairs. Certainly speaking as a Chairman of the Scrutiny Panel, I cannot see any of my members on my Panel thinking that they are just there looking after their Parish. We are, I think, very much Island representatives and we are of equal importance. Yes. I was quite interested to hear the first speech this morning, my good friend in front of me, Deputy Le Hérissier talking about the Guernsey scheme. One of the beauties of the Guernsey scheme is that you could not have people - Deputies, hiding in Parishes and not being contested. I thought: "Talk about the pot calling the kettle black," because Deputy Le Hérissier was hiding in No. 3 District and, even worse than that, after 12 years and 4 elections, the Deputy of St. Martin was hiding in a Parish. He did not have an election and I thought: "Crumbs, after 12 years I have arrived." The Parish thought they were going to save a lot of money by not having an election. Lo and behold, a few months later they have one for the Constable. But I think the reason there are no elections in some of these Parishes is simply because people realise that the chances of running a race if you cannot win is a waste of time. I certainly was disappointed myself last time they did not have an election because I was geared up for one and I really got lost not knowing what to do for the 3 weeks instead of knocking at doors. In fact it was more than 3 weeks. But I do not think we want to be too concerned about uncontested elections because, generally speaking, people only come forward if they think they are in with chance of winning. If they do not think there is a chance of winning, why waste everybody's time? Could I now come back to Clothier? Because what Clothier was after, he was looking for 42 Members, all Parish-based. He was looking for the Parish electorate. There was one contradiction I thought with him. He said that he would look for one Member from St. John, Trinity and St. Mary and I thought it was rather a contradiction because he was looking to have a Parish representations, yet at the same time he was going to reduce the number that was already there. I thought that was a mistake and I have never been that concerned about the Island being over-represented or under-represented because really, if we think about it, most places elsewhere a member of parliament would represent far more than the 3,000 or 4,000. Even if we had 50,000, they represent more than that. So I am not too bothered about representation. But what Clothier said: "I will have 42 States Members; no Senators, no Constables, no Deputies. All on one day." However, I would like to have a slight variation on that. I believe we should have one election, one day, with 42 Members and I would make sure that each Parish had at least 2 representatives. So it may well be that St. Mary may be over-represented, Trinity and St. John, but I believe that is the fairest way. We need 42 Members for this House, where they come from I think is immaterial. But what I did suggest - and believe it or not I received 5 votes for it last time round - I suggested if we were going to have 42 Members they should be divided thus; that St. Helier should be increased to 12, St. Saviour be increased to 6, St. Brelade increased to 4, St. Clement increased to 4 and all the other parishes have 2. So that is how I would make up my 42. What we would have, we would have one common day, all Members elected as equals. You would see a reduction of Members. That is something that is generally acceptable. It would allow for every Parish to include their Constable if they so chose to. If the Constable wanted to stand in the States, the Constable could and most important, I think, if the electorate thought he or she was capable of doing both jobs, they would then be elected. I think in many ways it would enhance the role of the Constable if they were seen as equals and stood shoulder-to-shoulder with other Members. Of course, I think very importantly, all Members of the States would have one common title, it would save having 3 elections to get those people there and, of course, I think again we would all be seen to be equal. But could I say, probably in conclusion, that I started off in the dentist's chair. I have a horrible feeling that we are going to remain in a dentist's chair and our tooth will not come out. We may tinker a little bit but I think that is probably as far as we are going to go. I would like to be a bit more optimistic but I want to be a realist as well.

1.27 Deputy C.F. Labey of Grouville:

Well, that is quite a good analogy because I feel that sitting here this last day and a half has been like sitting in a dentist's chair and, having been one of the States Members who filled-out the

questionnaire and then been told this morning that one of the P.P.C. members is taking notes on what everyone says, it is like going through the whole process all over again. But there are one or 2 points that I would just like to pick up on with what has been said and that is, is there this desperate need for change? Yes, we need to mend a few things in the system like one voting day, one election day, possibly longer terms of office and a limit on election expenses. Well, P.P.C. can do that. They can do that now. They do not have to wait for this huge outcry to change the whole system and I do not understand why they have not done it since they have been in office, quite frankly. The Constables said this morning that they have all agreed that they would be happy to have one election day so why have they not got on and done this? What are they waiting for? As far as changing the entire system, who are we doing it for; a few people that call in the radio phone-in, a regular writer to the I.O.D. (Institute of Directors) magazine who lets his views known on Radio 2? Is that why we are doing it, because I do not have members of the public coming up to me and asking for change. I would like to see more women in the States, as Deputy Power said this morning. However, I do not want to see token women in the States. The right person for the job. I will give you this little thought to go away with. Yesterday we had the vote. The vote was on the edge whether we should work on to the evening. Well, there are 5 women Members here that have school-aged children. Did anyone spare a thought to those children waiting at home for a meal? No. No-one. Because the vote was on the edge and it went the other way because: "Oh, well, there are a lot of people that want to speak." But everyone would have voted to carry on in the evening so that they did not have to come back the following day. **[Members: Oh!]** Well, they did not because there were so many people, so we would have ended up here at midnight, but you were not doing it for family-friendly reasons. Be honest. Let us be honest here. You were not doing it for family-friendly reasons and that is why there are not more women in here. It is not magic. It is not because there are not the women out there that stand. It is because this place is a very unfamily-friendly environment to work in. I am sorry. I have to be blunt. Yes, exactly. There was another point. Yes, the low-voter turnout. Well, again, no magic solution. I have been going round the schools with Deputy Fox to do some research on lowering the voter age. Well - and I think I can speak for Deputy Fox as well- we have been utterly shocked at the lack of knowledge with our school children of the electoral system, utterly shocked. Haute Vallee, we spoke to over 100 children in the assembly and one out of 103 could name their Constable. One. **[Members: Oh!]** Yes. Yes, shocking. It is shocking. **[Interruption]** If P.P.C. have £30,000 to spare at this next election, I suggest you give it to Education and we will educate our children into how the system works because that is what we really have to do. My own personal views are keep the Constables, keep the numbers; albeit, you know, I could be accused of working twice as hard as the Deputies in St. Lawrence but I am not complaining. **[Members: Oh!]** I say keep the Constables, keep the representation, a few tweaks, one election date, longer terms of office, limit election expenses. Then can we close the matter and just get on with the job that we were elected to do and govern this Island.

1.28 Senator M.E. Vibert:

Thank you, Sir, and thank you to everyone who has spoken so far. I have not found it like in a dentist's chair. In fact I think we have done over the past 2 days the sort of things we should be doing. Some people may find it a chore and I am sorry they do because if they do, to be quite honest, they are in the wrong job because this is important to the people in the Island; not just the electors of the Island, more importantly to the three-quarters of the people who do not vote and that is what we have to be addressing. I thank my Assistant Minister, the Deputy of Grouville, for asking the really serious question. Why change? Why indeed? That seems to have been lost. Why change? Well, there is really quite a simple answer to why change and it seems to have been lost in people arguing against changes because they might bring this effect or that effect. A lot of people have not addressed why change in the first place. It is quite simple for me. At present there is a considerable danger in this Island that we have what is called "a democratic deficit." We have low voter registration and we have far lower voter turnout. It is a salutary fact if we want to face up

to it that none of us, in this House, even have the mandate of more than 50 per cent of the population of our constituency eligible to vote; not one of us. In fact I will go on to say why not one of us, because I see the Deputy of St. Mary wanting to say, and that is because - and perhaps she can turn me right on one position - but if you look at the percentage of people who are registered to vote, who could register to vote, and then the percentage who vote from that register. I am talking about the people who are eligible to vote. If you take everybody who is eligible to vote and then you look at those who are registered, then you look at those who vote, some have a higher mandate than others. Let us be quite honest, it is not individual States Members' fault in any way because they can only go out and try and drum-up support. But when you get turnouts in the low 20 per cents in St. Helier and when you get people being elected with a small proportion of that vote, let us be quite honest - and it is an unpalatable fact and it is not very nice - but those Members have probably got less, well less, than 10 per cent of the eligible voters in their constituency voting. Even Senators, Island-wide Senators; if you look at the last election we had. I am just trying to find the percentage but it was, I think, somewhere round 42. Yes, Senatorial 2005, 42.55 per cent, 42.5 per cent. So everyone, every Senator here who was elected then and the ones that were elected before, even if we had every person who voted for us - and nobody got that - we would have had 42 per cent of those who voted. We would have had 42 per cent and that is of those who bothered to turnout. Never mind those who are registered. Never mind those who were not registered. That is why I think we need to ask ourselves: "Why change?" Are we content? Are we happy because we are all here by those who do bother to come out and vote? Do we just ignore the vast majority who do not, because they are not going to affect us because they do not vote? Therefore, should we be concerned about them? Well, I am very concerned about them. I am concerned that if we want to be truly democratic we want to get as many people out to vote as possible, as many people registered to vote as possible, and get them interested enough and make our elections interesting enough that more will get out and vote and make us more democratically accountable. We can improve the registration - we have to - and then we have to improve the numbers who vote. So my question is, I think there is a need to change and I think it has been shown there is a need to change through ... It is somewhat derided sometimes, a M.O.R.I poll, but of course you do get people who always deride the poll when the poll does not come out with their favoured option and then you deride the poll and we have seen that today and it is a shame. But a M.O.R.I. poll is scientifically proven as being a good indicator, when it does as many pollings as it did in Jersey, of the views of everyone, because of the democratic random demographics that it does. It does not just ask the people who are registered to vote. It does not just ask the people who vote, it asks everyone and should we not be concerned about everyone? Should we not take everyone's views into account? Same with the Parish Constables; I will say now I am in favour of retaining the Parish Constables because I think that Parish link is important. When a cross-section of people in Jersey were asked about the Parish Constables: "Do you agree or disagree that Parish Constables should remain as Members of the States?" 54 per cent agreed against 35 per cent disagreed. There is an example. That is not just people who vote. It is not just people who turn up at Parish Hall Assemblies. That is from the whole of the cross-section of people. So that is one of the reasons why I support the retention of the Constables.

Senator J.L. Perchard:

Point of order, Mr. Chair. Could the speaker please discuss the impact of deficit if we do retain the Constables in the States and address the issue of perhaps one Constable having an electorate of 1,600 people and another Constable having an electorate of 2,500?

Senator M.E. Vibert:

It will be a pleasure to when I get round to it. Sorry, I have it a bit later on if you do not mind. This is why I do not agree with the Parish Deputies staying as Parish Deputies because I believe the Constables should be the link with the Parish, which is why I believe you should have one Constable for each Parish, because they should be the link with the Parish. In fact, as I will say a

bit later, I am very keen on ways that we should strengthen our Parish system and I do not believe for a minute that our Parish system is so fragile that, if we did not have Parish Deputies, the Parish system would collapse in a heap. I do not think it would at all. The Constable is the head of the Parish system and we should be strengthening that area of the Parishes. But why should we change? Well, do people want change? We have had people say: "Well, nobody has contacted me." No. But when M.O.R.I. asked a random selection, and you have seen there are only a... if you ask 1,300 people as they did in the first instance and you select them as they did, randomly, you are going to get a pretty good answer. Why change? Because we asked for example, and they were asked, should there be a general election? That is a change, to be a general election - a single election day; 71 per cent said there should be a general election day but that is all right, we can ignore them. We do not want to change. They are not the people who vote. You know, perhaps the people who vote do not mind. But that is one of the reasons why we should think of changing. Length of office: it was between 3 and 4 years. Not many went for 6 years and I do not blame them. Number of Members: so why should we change? Should we reduce Members? We have heard arguments for and against but when people were asked in a random poll, all the people - 66 per cent - for whatever reason, said there were too many States Members. Well, we can argue about it but we cannot argue that the majority believe there are too many States Members. So why change? Well, we change because if we do not change I think one of the things we are saying is: "It is only those who vote and vote us into office who matter." Well, I do not believe that. I believe everyone in the Island matters. I do disagree with a colleague on P.P.C. I do not think you can discriminate - because that is what it is - against people who have just arrived in the Island. I agree with Deputy Southern, and that is an unusual thing in itself, but I do agree. You cannot have taxation without representation. You cannot ask people to take a full part in Island life, to pay their taxes as they do from the start now with I.T.I.S. and everything else, and say: "Yes, but do not worry about voting because you do not know enough about the Island yet. When you know a bit more perhaps that will be the time for you to vote." No, their view is worth just as much as anybody else's because, once they become part of our community, we must recognise and value their view the same as anyone else's I am afraid because otherwise we are discriminating against them and we should not be doing that. We talk about discrimination laws. We talk about ending discrimination. We must not embed it in our electoral system. Thank you. They are free to come and vote. I am glad because any in committee debate is meant to have a bit of to and fro, so we are getting it. Yes, they are free to come and vote. Should we make it easier for them to come and vote? Should we listen to their views on what sort of system they would like or do we ignore them? Because that is the message I have been getting from some; that we should ignore their views. We should only listen to those who come and vote. I said from some.

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

Could I just ask for a little clarification from the Minister, if he could be good enough to give way? I was most interested in what he just said, which was no taxation without representation, which I think is a very well known principle. Is he going to expand along those lines, because it really would be an interesting alternative if one acquired voting rights as a result of having paid taxation. Was that the direction the Minister was going in? **[Laughter]**

Senator M.E. Vibert:

Well, the no taxation representation goes back to the Boston Tea Party but as I know that is not the Deputy's favourite tippie I will not ask him along to that one. **[Members: Oh!]** But what I will say is everybody in this Island pays taxation. They pay it when they fill up their tank with petrol. They pay it when they buy anything that has duty on it in the shops. They will pay it on everything when the G.S.T. comes in. So taxation without representation: we all pay tax from the day anybody arrives in the Island and I do not think that we should just refer to income tax because there are many local people who do not qualify to pay income tax, and I hope the Deputy would not suggest they would be disenfranchised as well. So I believe there is a need for change. I believe we should

look at change and we should look how we can attract more people to vote, more people to get involved in the electoral system, because at the moment we have a dangerous position where so few people come out to vote. I believe we can learn by looking to other comparable jurisdictions. It is interesting to look at what happened in Guernsey when they changed to super-constituencies, what happened in the Isle of Man who have super-constituencies. I was saying before that we had 42.55 per cent in the Senatorial elections for the turnout; and in the Deputies 2005 in the contested seats, 33.8 per cent. A third of those registered to vote voted. Is that good democracy? Compare with Guernsey which has these so-called super-constituencies, their average, the Guernsey total was 64 per cent. The Isle of Man, similar things, with Isle of Man - total, 61 per cent. I would hope that we would all be very, very pleased if we could reach those totals. We should be aiming to reach those sorts of percentages of people turning out. How are we going to get there? I believe we should be trying to get there because we should be trying to involve more of the people of the Island in the government of the Island and I believe if we want to get there we should look and think: "Should we make some changes?" So I favour, personally... though for me this debate is more about listening to all States Members views because I want to see what States Members think as part of our gathering evidence before P.P.C. goes further and comes up with something. But I think it is important as well, both for the public and for other States Members, that I give my point of view and I am in favour of option 2, which is the super-constituencies. I believe we maintain the Parish link with the Constables and that we elect other Members, 30 Members I would prefer, in 5 large constituencies with 6 Members each or somewhat like that. Why I want to retain the Constables is because I think if we retain the Constables, without the Deputies, we will strengthen the parochial system and the parochial heritage because they will be seen quite clearly as the parochial representative in the States. I would like to strengthen the position of the Constables in the Parish by putting more emphasis on the role of Constables. I would be interested if the Constables look at the idea of electing Parish councils to work alongside them. Sorry, if people do want to get up and make a comment I am quite happy to listen but I would like to be able to hear it at the time. Thank you. I have not only listened to everybody else, I have made notes on everybody else's speeches because that is going to help me in our deliberations on P.P.C. I do take this very seriously because I think it is very important.

The Connétable of Grouville:

Can I just ask if the Big Brother approach is anything to do with the spy cameras? **[Laughter]**

Senator M.E. Vibert:

I am trying to adopt a Little Brother approach. What I am trying to do is to say we should listen to the people, not think we know better all the time ourselves, Constable. So I think the Constables should be very strong in the Parishes and one of the things I think that should be looked at, and may not go down well, but I know not all Constables take remuneration for States Members, but I believe that, centrally, taxpayers should only pay half of the Constables' remuneration. The Parishes, through ratepayers, should make up the other half because that would give the Parishes ownership more of that part of the Constables' job and I think that is something that could be looked at because I am all for involving the Parishes in these issues and taking ownership and working in partnership. So I would prefer a single election day for one category of States Member; call them Deputies, Senators, M.S.J.s, whatever anybody wants to call them. I am not bothered. I would prefer the Spring and I would put it to a referendum because I think it is important we get the public's views. As for numbers, I believe we can work with a fewer number. The public clearly want fewer States Members. I have listened to the arguments and I will take them on board from Scrutiny but I believe that work expands to fill the time available. I believe that we can work with fewer numbers and it can concentrate minds and if there were 42 of us I do not believe we would suffer in any quality at all in the Scrutiny or the Executive side. It is interesting that, leading-up to the point we are at now, the States started by cutting down on the number of Committees. There used to be a whole host of Committees. The States cut down on the number of Committees, then

they cut down on the number of members on each Committee, then went to Ministerial government, on that side no committees at all. But then we have had Scrutiny Committees appearing and I am a bit worried that Scrutiny may be heading in the other direction. We have already created another Committee and now some say it cannot manage with fewer Members, they need more Members. It seems a strange contradiction. I believe the system would be more efficient, a more efficient system can be achieved, with fewer States Members more focused on the issues. Those are my own views. But as a member of P.P.C., I believe our role is not just to pursue our own agenda. We want to gauge public opinion of all, not just those who vote, not just those who know a lot about the States. We want to know the views of those not engaging with the political process at present, hence the M.O.R.I. poll, and today we are getting the views of States Members and I thank them for that. I believe this will inform P.P.C. as to its next steps. I do not believe we will get anywhere further forward by just debating one or other Members' individual ideas on their own. I believe P.P.C. is carrying out its job to properly research and get evidence on this issue before coming to a conclusion. I can understand others wanting to rush ahead but act in haste, repent at leisure. It is far too important an issue to go into debate without as much information as possible. If we are going to change, we need to get it right and I believe this debate has helped in that process. Again, I would like to thank all Members who have spoken and P.P.C. will continue in doing the job they have been charged with by this Assembly.

Senator J.L. Perchard:

Point of order, Sir. Just clarification, the Minister did say that he would address my question on democratic deficit. He said at the outset of his speech that one of the reasons to change was to address this obvious democratic deficit yet he maintains the position that all Constables should be in the States. How does he balance the requirement to address the democratic deficit and yet obviously tolerate it with regards to the Constables?

Senator M.E. Vibert:

I think the Senator may be confusing himself about what the democratic deficit is. The democratic deficit I was referring to was the very low turnout of voters. What the Senator is referring to, I believe, is equal numbers of representation, which is a different issue entirely. I would resolve that by having all M.S.J.s or Deputies or Senators of one category of States Member elected in super-constituencies so that they would be a similar size and have a similar electoral turnout, one hopes. But the Constables, as I said, I would accept that there would be differences in the electoral size for the Constables because I would see the Constables as maintaining our heritage links and our links with the Parishes.

1.29 Connétable J.Le S. Gallichan of Trinity:

I am pleased to follow Senator Vibert. I am looking forward to going to my Parish Assembly to ask my electorate to vote half the sum for my salary, which at the present time... **[Interruption]**, as I do not take it, I should think I am in for a good day. But could I just say, if that is the case, why should we not ask our Assembly to propose the remuneration for our Deputies? At the end of the day, I think basically this debate is really more about - we have had to go through some amazing cost-cutting programmes in the last few years and the size of the numbers of the Assembly is really down to a lot of the people who are electors - the cost of running the Assembly. Now, if we are going to go to cost-cutting there are many ways of doing it, the same as anything. Really the answer is cut numbers because there you know, if you cut the numbers, your cost will be kept at a lower rate for many years to come. If you just tinker and move just a few away, you will have less cost obviously for the Island taxpayers to pay but the long-term question - on the amount of our yearly budget - is adjusting the salaries and the remuneration to the Members of this Assembly really what is needed to have good government? I have my doubts on how many numbers we can cut. However, there is a call for fewer members. I would tend to support that. I am delighted today to hear the support that the Connétables have had in this debate. I strongly believe that the

parochial system works. You can ask any Member, any parishioner. They believe it works and the one thing they do not want to see disappear is the Parish system. Now, I do have concerns really when you get to larger constituencies. Trinity is a very rural Parish, a very close community, and I know that the Deputy of my Parish has a very close affiliation with the parishioners but I believe she also has the best interests of the whole Island, as I hope anyone else does in this Assembly as well. We are not just parochial but you have to have the parochial element. If you take that away, you are taking away years of our heritage and once it goes you will never, never get it back. Four-year term: no problem with that at all, Sir. I agree with most people. I spoke to the Deputy in about January and she could not believe the first year had already gone. So you can imagine in 3 years it is a learning curve. Senators: Island-wide mandate. I still think there is a need for that. The trouble is really they are the ideal people to trim a few off. But the problem is we have the same problem in 2008 as we had at the last election. We have 6 Senators with 3 years still to run. So I do question whether 2008 is the right time to have the major changes. 2011 their terms will be finished, that could be the right time to start going for the 4 year term and the major changes to this Assembly. I would hate to have to see that next year when their term is up and we say to these Senators: "Are you happy to stand down?" and they say: "Yes, we are happy to stand down but you realise we were elected for another 3 years and I presume that because we are not going to have the salaries we may be entitled, because you cut our job short, to be paid that." Well, I would think that would go down like an absolute lead balloon with the electorate out there. I would much prefer to see their term finished and then everything take place so we could adjust all the terms from 2011. I totally agree that it is time to change to a one day election, there is no problem on behalf of the Connétables to run a one day election. If anybody believes that the Connétables only start arranging the election the same day they have got it completely wrong. Most Connétables have got all the election well set up 3 weeks before. Those people are there. All it means is that if the Connétable has got a contested election he will not be there on the day, the Procurers, the Chef de Police and the Jurat will handle that without any problem at all. I cannot say how much I believe the Connétables and the parochial system must stay; it is the backbone of Jersey. Lose that and we will lose all our traditions and before you know where we are the last thing we want is everything to come to town. It is bad enough to park in town now so why come in here more often. **[Laughter]** Sir, I look forward to the changes. I am delighted to hear the support. I know the support is in the country for the system we have now, the honorary service has given many, many years of benefit to this Island and it must not just be frittered away without a great deal of thought and a great deal of consideration.

1.30 Deputy K.C. Lewis of St. Saviour:

I will be brief, Sir, and I usually am brief. Unfortunately I was not in the States when the Committee system was in use so it is difficult for me to compare the 2 systems but I feel that just one year into the Ministerial system it is too early to make drastic cuts while the new system is bedding-in. I think the Ministerial system is basically a good one, although I would like to see more communication and co-operation between Ministers and Scrutiny, and a greater flow of information. The people of Jersey do not see us as Scrutiny or Ministers, they see us as Government and we are all lumped together, good or bad. The public perception is there is a breakdown in trust between the public and States Members so if we reduce the number of States Members we will be putting yet more power into fewer hands. We are often compared with the United Kingdom but in the United Kingdom they have county councillors, they have local M.P.s (Members of Parliament), they have local government, they have regional assemblies, they have the Scottish and Welsh Parliaments, National Government of Westminster and they have the House of Lords, not to mention the Euro M.P.s. In Jersey we have the States of Jersey. Sir, if we change anything we must do so with great caution. The majority of parishioners I have spoken to in St. Saviour No. 2 - this is the majority - wish the Constables to remain in the States. Before you embark on any journey you have to know where you are and where you want to be, so what is our goal and what are we trying to achieve? Greater efficiency, saving money? It has been reported

that the people of Jersey do not have a great deal of confidence in States Members but having less States Members would place much more power into fewer hands. Is this desirable? I am in favour of a general election and I also favour a 4-year term of office.

1.31 Deputy J.A. Martin of St. Helier:

I will try to brief as well. I have a very small mandate as being a St. Helier Deputy so I had probably better not spend too much time on any one subject. **[Laughter]** I probably have a little more mandate than some people as one point - which I will come back to - is non-contested elections. We have just had a very educational speech, I would say, from the Minister of Education and he is wondering why... and I will try and respect the wishes of the Constable of St. Peter about getting into personalities, and it is not personalities. What I would like to point out - why the people out there may have been fed up with the States, and I can draw on one direct comparison - is on the Senatorial elections 4 years ago, we had 6 people elected. Now, not many people understood that... **[Interruption]** What I was saying, Sir, is 6 years ago we had the first round of Senatorial elections and then just before we chose our new Chief Minister we had 6 more Senators elected. Then when we come to this House - we are a very new House or quite a few new Members - we had, I thought, a very clear mandate from people who had elected one of the Senators who was standing for Chief Minister and the other one who had stood 3 years previous - and if my memory serves me well and, as I say, it is not personalities - came fifth or sixth. None of them then were willing to stand down. They would not stand down. There was one, I think it was Senator Kinnard said if everybody else did and then everybody else was saying: "Well, I will look at everybody else" and of course everybody was: "No, no, no, I am not standing down." Now, the new Constable of St. Martin said: "We have lost contact with the everyday person." No, we have not lost contact, a lot of us still knock on doors, and I know Senators and Constables and everybody goes shopping, they are around, we are all accessible, but sometimes we are probably too accessible. You very rarely have a private life. But what has frightened me today, and it has been from the Chief Minister down to the last - that is at least 4 Ministers that have spoken - and whatever way we get this I think we are going to have lots of opinions and I really, at the moment, can be swayed any way but I cannot be swayed on reducing the numbers to 42. It is all right when people say you can fill your day, well sorry I probably would have better things to do than fill my day but I do my working day and I can fill more and more and more. The danger here is we were told: "No, let Ministerial government bed-in and then we will have a look." We are a year in. Now, I can see - and this is where I really get worried - the Constable of Trinity, I am not certain of the Constables of... do not look at me like that. I have got one little shot and I will leave that until the end. **[Laughter]** Where was I? Oh, yes, the Constable of Trinity said: "Well, if you really want to reduce the money, reduce the Members, reduce the pay bill." We have got on Scrutiny - on 2 Panels I am - multi-million pound budgets that we are digging out. Is the money being spent right? You have got one Minister and, God bless him, he believes everything his Chief Officer tells him, or not. **[Laughter]** All of their Chief Officers, because they are only one person and this is what I thought our job in Scrutiny was; not to have a go at the Minister but make sure... I know P.A.C. look at the spend but we also need to know that everything is working right and I know - I am on 2 Panels. There are 4 people on each Panel, and we do work hard. I am glad that we now have some new Constables come on to Scrutiny and it is also very interesting that the advocates for reducing to 42, saying: "They are moaning they have got too much work" have never even been on Shadow Scrutiny, did not want to know, did not attend any Scrutiny training lessons because obviously they already were going to be Ministers. I wrote my Ministerial list 3 years ago and I think every single one, Sir, was right.

Senator M.E. Vibert:

Just to say, Sir, one is interested in Shadow Scrutiny but as a President of a Committee was not allowed to take part in Shadow Scrutiny.

Deputy J.A. Martin:

I do not know why, I was on your Committee at the time and somebody made the rule and it may have been a Committee President who obviously made the rules wrong. I would like to say...

Senator S. Syvret:

I think it is correct to say that even though we were Committee Presidents we could and were able to take part in Scrutiny

Deputy J.A. Martin:

That is an argument for another day. As somebody who has stood in a by-election and 2 elections, and St. Helier will always have a contested election, it is the nature of the beast and I do not have a problem. But what does stick in my claw is that if I had have known the Deputy of St. Martin was rubbing his hands and did not have anything to do for 4 weeks up to the run-up, he could have helped me deliver some leaflets and the rest. **[Laughter]** Anyone who gets a bye next time, who I consider that I can work with, do not worry I will be knocking on your door. But that is only where I see the merit for maybe super-constituencies and maybe moving people around slightly because, yes, there is over and under-representation. The Constable of Grouville, I think he said we could get rid of a few St. Helier Deputies. Well, why not, because there are obviously too many of us. But he seems to forget is that we keep building in St. Helier and like the Constable of Trinity, they keep sending all their descendants into St. Helier and we are representing them because their Parishes are not growing but in St. Helier - I have now got the Waterfront in District No. 1 - I can assure you there will be a good extra 1,000 when all the flats are built. So, as I say, Sir, I have got to answer these questions. For the Constable of St. Clement, I have done my homework, I have filled in my form. When I did first come to the States I asked to be on P.P.C. and other names were put forward and I was voted off, and for everyone who did not vote for me I thank you from the bottom of my heart **[Laughter]** because I do not envy them at all and I think we have got as clear as mud to where we are. The answer to the questions about women in the States: I admire Deputy Labey very much and I do think at 5.00 p.m., 5.30 p.m. we know our time to go home. But the other night when we were at the C.P.A. (Commonwealth Parliamentary Association) dinner and they had a lot of women because apparently they have term time-only parliament. I was sitting next to the Deputy of St. John's wife and she said: "Do you not have term time-only parliament?" I said: "Well, in theory, yes, the States only sit in term time, but there are other meetings." As working goes, and I know Deputy Labey has worked in the banking world, this is the most flexible, you can do Saturdays and Sundays, you can come in and I can work at home. I can work at 10.00 p.m. when the kids are in bed. So I do not think it is that. I really think it is Jersey: to most people it is still a very conservative boys' club and we all went to school together - they are all looking at me but... **[Interruption]** related, I would not know, I am not from Jersey and I would not go that far. They are not related but it is the boys' club grown up into politicians **[Laughter]** well, some have grown up into politicians and others have not. Right, I think I have finished except to go through how many States Members should we have. Well, unless you can give me a good reason, I will stay with 53, unless of course they are all women and we can get away with 30 because we can manage - we will manage, do not worry about it. How should Members be elected? Again, as I say, I think we have a look at that one and constituencies. Should the Constables remain as Members of the States? Now, they always think I do not like them, I love them all dearly, I really do have a problem with, though: "But the Constables have 2 jobs." Has any other States Member here got a lovely palatial office and do they have a secretary? Do they have office staff to back them up, no, I do not think so. No, no, no - then get a salary on top of that to be States Member. So, I do feel sorry for them and the next time there is a vacancy - and especially a Deputy vacancy of St. Helier for a Deputy Constable, because I think our Constable needs a bit of help - I will probably be going but only because he represents 50 times more than other Parishes, or basically about that. So, as I say, even if I do not think they should stay, I have not got a hope in hell - sorry, Sir - to get them out of the States because they are part of Jersey and

it will probably take another 60 years - sorry, Deputy Le Claire - but there we go. Definitely a general election. How you are going to work that one out, as I say, I am not on P.P.C. and I need to be convinced how you are going to do it. I do not think the electorate are idiots. I think they can understand what a Deputy is, what a Constable is quite easily so I do not really see all this about: "Oh, too confusing." If you tell people that they are too confused to go to an election they are not even going to bother. Again, we need to get more people out there to vote but until we start listening to them it comes back to my point: we have somebody top the polls, stood 2 candidates, one was not elected, one was elected and that is where people say to me: "We are not listened to." That is all I have to say, Sir, thank you.

1.32 Connétable K.A. Le Brun of St. Mary:

I did not realise I was so far up the list. I certainly will not keep you long. As most of you are well aware I am on P.P.C. so I have been listening with great intent and now I know exactly - so Deputy Martin, do not worry about it, with all the debate we have had yesterday and today - which way forward we are going now, I am sure, after all that. **[Laughter]** But I do not recall you being in the same class as I was but nevertheless. It really was just a couple of points that I would like to make and to give me clarification possibly, and the P.P.C., in the sense that there has been a lot of talk about let us gently go forward and let us not change it too much. We know the debate that has been with the Connétables and I am only enlarging on that. Shall we keep the Deputies; shall we keep the Senators? Everybody seems to be of the opinion of the 4-year vote which seems to go then against the need to have Deputies and Senators because if you are all going to have a 4-year vote why have the difference - and I would like those people who want to continue with the Deputies and Senators, please come and let me know how we can differentiate the possibility between a Deputy and a Senator. There is an inclination therefore that the Senators should be more in charge, they should be responsible. There is a possibility that they should be the Ministers but then how are you going to elect these Senators from the Deputies if you have got a 4-year all-Island vote. That is one thing I wish you would try and convey to me. Also on that same fact as well is that it seems to be, although there is a certain amount who would like larger or super-constituencies, that the majority of the people I have been listening to would prefer to go through the Parishes and therefore if you are going to have it through the Parishes how can you have an all-Island vote necessarily through the Parishes if you are going split the Deputies and the Senators once again. It is far easier to have a closer all-Island vote if you have larger constituencies - sorry, my tongue was on my eye tooth and I could not see what I was saying at that moment in time - **[Laughter]** so if you are going to have the larger constituencies it seems the better way forward to have closer to an all-Island vote but if you do that you then will not have it through the Parishes. So this is what seems to be coming out of it. There certainly seems possibly less, possibly the same, certainly a 4 year one but that is my main concern and I do ask, therefore, those people who say: "Let us not alter it to a great extent, let us do it stage-by-stage" which seems a more sensible idea rather than revolution and not evolution. So, that is the difficulty I have. It seems there is no problem all: Island mandate, all-Island vote but let us keep the Deputies, let us keep the Senators. It is very difficult to do that and, as a part of the P.P.C., that seems to be my biggest problem. It is not a problem otherwise in any great extent to the Connétables, it is not a problem to reduce numbers, it is not a problem to have a 4-year vote, but it is that other problem: how you differentiate - call them M.S.J.s if you so wish - but then how do you give the responsibility or do you want responsibility given to more senior members or not? That is the only thing - and it is the only thing - that I am having problems with. So, please get in touch with me because as Connétable of St. Mary and an Island-wide one, nobody has been in touch with me to let me know the way forward in any case. So, please, that is all I ask.

1.33 Senator S. Syvret:

I am just prompted to speak again as one can in committee debates by a few of the comments I have heard during today. I was listening on the intercom to Senator Vibert's speech when he spoke

about the need for us to try and make elections more interesting. We needed interesting elections, he said. I was thinking: "What a fascinating semiotic paradox, interesting elections." If you want an interesting election raise the tax rate by 15 per cent or something of that nature then people will suddenly become very, very interested in it. What they are not - I have to say - going to be especially interested in is the kind of stuff that has taken place here over the last 2 days. A kind of strange fantasy world. The States are often remarked upon as that environment down by the Royal Square surrounded by commonsense. Most of the debate and discussion we have had simply is not dealing with the reality that the community faces. Democratic deficit was also mentioned. Now, I have studied this a little bit and democratic deficit is a multi-faceted concept. It does not just describe one particular thing, it describes ways in which in supposedly democratic societies the community at large are dis-empowered - they do not really have real meaningful democratic controls over the institutions that govern them and the institutions at the State. There are numerous causes of that. One of the most well documented in recent years, for example, in the United Kingdom was the massive rise of the Quangocracy under the Thatcher Government whereby all kinds of important public policy decision making and administration was farmed out to unelectable, unaccountable clacques of establishment apparatchiks and that is a democratic deficit, so that is one of the things we have to avoid. It is also true, as I said previously, when looking at the Constables for example, there is a degree of democratic deficit there. Of course the constituency of the Constable of St. Mary is vastly, vastly smaller than the constituency of the Constable of St. Helier, thus you have democratic deficit as far as those votes in St. Helier are concerned. For that reason I really think the Constables have to realise that if they are to remain in the States, if the Constables are to survive - and I am not opposed to that - it really is not credible, it is literally incredible, to imagine the Constables in the States and no Island-wide mandate to counterweight that democratic deficit. Another cause of democratic deficit is the absence - certainly in Jersey - of the ability of the electorate to control the policies and political philosophy by which they are governed. This probably, of all other things - everything we have discussed, every thing we have touched upon is the most remarkable feature that diverges Jersey from the great majority of the democratic world - is because we do not have party politics, the public do not therefore have a clear choice and a clear power to decide which political philosophy and which programme of policies they are going to be governed by. If you are serious about empowering people, if you want to modernise democracy, you simply cannot avoid and escape from the fact that party politics probably is the way to go. There could be 2 or 3 or however many parties - each offering different political philosophies, different programme of policies - the public would choose and the winning party or the winning coalition of parties would determine the destiny of the community. I am afraid calling ourselves M.S.J.s and having 30 Senators or none, or 12 Constables or none, and 42 Deputies or whatever it may be, is largely entirely irrelevant. If you want to give power to this community you have to offer them a clear-cut mechanism and means of deciding which programme policies they want to choose to be governed by. There simply is no escaping that fact. I also was interested in something that Deputy Southern said when he spoke. He criticised and was very dismissive of the notion of single transferable vote, or S.T.V., as a means of proportional representation voting. He asserted that you had to have political parties to make S.T.V. work. I am afraid he was just wrong, plain wrong, about that and I am surprised at Deputy Southern - he is normally a bit better informed about issues - but you can have S.T.V. in a non-party political environment and it would mean, basically, voting now as people do, only instead of putting a cross between your chosen candidate or chosen candidates you would write a number alongside them one, 2, 3, 4, 5, 6 and so on. If your first or second candidate was eliminated because very few other people voted for them then rather than your vote, your democratic power, being utterly wasted, your vote would be transferred to those candidates you marked further down your list. That way people are kept empowered and people are not disenfranchised from having a meaningful impact on the outcome of elections. This is something that we really have to look further a field for rather than the United Kingdom where most of our ideas get drawn from, because the U.K., it has to be said, is particularly backward and dysfunctional by the standards of modern democracies. How can anyone realistically and

reasonably consider themselves a democrat if they regard it as a perfectly good system whereby a party can get 33 per cent of the vote at an election time and 100 per cent of the power. It just is not functioning democracy and the kind of proportional representation we see that works in most modern respectable democracies really is the kind of thing you ought to be thinking about if we want to make people's votes count and have an effect. To finish, Sir, one of the points I want to make is that when discussing this issue, governmental reform, or indeed many other issues that come before this Assembly, we like to try and kid ourselves that there is a right answer and a right solution that will do the greatest good for the greatest majority of people. Sometimes that is the case but quite often it is not and I think we are frightened of acknowledging the fact that there is conflict in policy arena. The policies we adopt will suit the interests of certain cohorts of our population and not suit the interests of other cohorts of our population. There is no avoiding the fact that conflict of that type - conflict of interests - does exist within all societies, not just Jersey but everywhere, it is a feature of human society. So I do think that is something we need to be conscious of and bear in mind when we are deliberating on these kind of questions because we have to recognise that we are going to try and modernise democracy, make it more representative, reduce the democratic deficit and all of these things; and if we do so we have to recognise that it might be a rather different outcome that happens and we might have to start having some of the inevitable conflicts in the policy arena going in different directions to that which we are used to. Sir, before I was elected one of my chief concerns was to make sure that Jersey kept quite a lot of its identity and its culture and its heritage. That does not mean to say that all of that culture and heritage is good but certainly it is not all bad either and I most certainly did not join the States to try and see Jersey become like, and be run like, a county council in the United Kingdom. I am not prepared to embrace this notion that we should have just adopted the *Clothier Report* wholesale, plus we were told then we were not allowed to cherry-pick it and so on. It is quite an extraordinary concept when you think about it, you are basically saying: "Well, if this Assembly is not allowed to choose what it is we do, which parts of the proposals we decide to adopt or not, then basically we are surrendering democracy and handing it over to an unelected Quango." Though the idea that it is somehow terrible and wrong that we have cherry-picked parts of it is just, I think, utter nonsense. The challenge for us, in all of this, is to find a system of improving and modernising democracy in Jersey while at the same time retaining the better parts of our heritage and our culture.

1.34 Deputy J.A.N. Le Fondre of St. Lawrence:

It will be very brief, hopefully. I am glad to follow the last speaker, we do not always agree. But a couple of speakers made reference to the *Clothier Report*; that the whole should have been adopted and we should not have cherry-picked, *et cetera*, and I think the point was, Sir, many Islanders in my view, and certainly in the comments I heard at the time, did not agree with all of Clothier when it was produced. I think that is the point, and that is the problem we are facing at the moment. So many really only agreed with parts of it and I think inevitably you are going to cherry-pick from that type of document so I do not think that is a particular criticism, that is a reality of the situation. What I did want to comment on as well, I think yesterday I said about trying to remain focussed because we do have a very short time frame of about a year - give or take - to get any changes in place. The super-constituency arguments, whether or not it is attractive, in my view and from the point of view of the timeframe available to us now is just not feasible for 2008. By the time you have worked out what the numbers should be, and bearing in mind I do not think it is appropriate to base it on the 2001 census that is sitting in R.97 because as we are all aware various development had taken place in all sorts of Parishes and the numbers have changed again. By the time you have done that, gone out to consultation with the electorate in the Parishes and got their feedback, we are way beyond the dates necessary to get it in place for 2008. I think also the same comment applies to the fact there has been some discussion on voting areas or voting methods and all that type of thing, again they may or may not be valid but it is not going to be something that is achievable for what we are trying to do in 2008, which is really what the electorate is expecting from us. I wanted to say very briefly, yes, I am strongly in favour of the Parish system and I do think that the super-

constituency argument, to say it is not the death knell to the Parish system, I have to say I do not agree with that I am afraid, I think it potentially is. But equally, we do still have to recognise that a lot of the population out there do want some form of Island mandate available to them, which is why I favour a slight reduction potentially of the Senators, I am not too fussed either way but I do think it needs to be retained in some shape or form. A reduction in Senators is not removing the Island mandate. I think I will stop there, Sir, I just really wanted to make a couple of comments, and particularly that we need to try and stay focussed on what is achievable in 2008 and not get too bogged down on things that may take us beyond that.

Senator B.E. Shenton:

Can I propose that we finish the debate at this juncture so that we can all go home and reflect on what we have heard today and look up the words that Senator Syvret used in the dictionary. **[Laughter]** I feel that we are probably suffering a little bit from election fatigue at this point.

The Greffier of the States (in the Chair):

It is inevitable a discussion of this nature could, in theory, continue for ever. There are 2 other Members waiting to speak, Deputy Ryan and Deputy de Faye briefly. Do Members wish to allow them to speak and then perhaps bring it to a close?

Senator M.E. Vibert:

I think it would be a shame - I am as willing to leave as anybody else - to curtail before any Member who has not spoken at least once has the opportunity to do so.

The Greffier of the States (in the Chair):

I will call on Deputy Ryan and Deputy de Faye and we will see if other Members wish to speak.

1.35 Deputy P.J.D. Ryan:

I am absolutely delighted that I am not going to be the last because I do not want to follow after Deputy de Faye because I am sure that his speech will be the crowning glory - as it usually is - of mirth. But I do rise. I made a short speech earlier and I did not really conclude on a few points and I would like to really answer the Constable of St. Mary particularly and highlight very quickly obviously what the differences are between a Deputy and Senator. We all know they are 3-year and 6-year terms but I think it does need emphasising that to enter the States as a Deputy obviously it is Parish-based, as opposed to Island-wide - it is much easier to connect directly with your voters - and I know this personally, on a door-to-door basis. As a Deputy I had visited virtually ever door on the electoral role for St. Helier No. 1 when I was first elected. It is possible to do that as a new unknown Deputy; contrast that with Senators and it is obviously the case that you cannot do that, particularly as a new Senator you cannot visit all of the Island by any means. So it is much more difficult as a Senator to connect directly with the electorate. As a Deputy it is much cheaper to enter the States; it is less intimidating than it is to go to 12 Parish hustings meetings and to be the centre of attention in the press, as you are when you are trying to get elected as a Senator. For those of us who do not particularly enjoy the publicity side of being a States Member - and I would quite happily say that I am one of those - I do not particularly enjoy being in the public eye. I do enjoy the work but the public side of it is not my favourite part of it. The next thing about the route as a Deputy is that you can try out your suitability as a politician and this goes both ways. Both whether you like the job or whether you can take being in the public eye, and it is difficult to know that when you are not elected. But also similarly it gives you the opportunity as a Deputy for the public to test you out and see whether you are any good as a politician as well. So as a Senator, however, it is much more intimidating, as I have already said. There is a bigger commitment, there is a bigger commitment as generally there is more expectation from the electorate on their Senators. There is more expectation of more senior responsibility; there is therefore more pressure on a successful candidates. But you do have a disadvantage on the side of the Senators, particularly under our system that we now have and that is that every 3 years, under the current system, a Chief

Minister and Ministers are elected from within the States Assembly and it is quite likely that, as happened the last time and could conceivably happen time and time again, you would have a situation where the Chief Minister was not elected at the election just happened. So you could get a situation where a Chief Minister or Ministers were elected 3 years ago, so there is always going to be that niggle there in the public. That is a problem which I believe could be addressed, and I am addressing it directly to the Constable of St. Mary here and to the other members of P.P.C. by going to a 4-year election and having, I think, 8 Senators. The reduction to 8 Senators would be manageable on a single election for Senators every 4 years. I think that would be manageable; any more and it becomes unmanageable; less and you do not really have enough Senators with the Island-wide mandate. So I think that is possible. I think though that you must - and I repeat what I said earlier - keep separate days for the elections between Deputies and Senators otherwise you will lose that promotion stream from Deputies to Senators and I think that is an essential, essential part that you do need to have a situation where Deputies can feel that they can try out their acceptability to the public as a whole by moving from the Deputies benches to the Senators benches. There is that progression. I think that if we do not have that we are going to end up with a situation where there are only newcomers trying for the Senators' benches. Over a period of time, not straight away but over a period of time you will get that situation happening and I do not think that is in the Island's best interests at all. So there we go. Nothing is perfect. You do get the problem with the second-bite-of-the-cherry syndrome, which I think is the only major argument that I have heard which is against keeping the 2: the Senators elections on one day and the Deputies elections 5 or 6 weeks later, as it is currently. I think because you are moving to 8 Senators and one election for Senators every 4 years you effectively still get the general election or the flavour of a general election as far as the public are concerned because effectively you would have a 2 month period every 4 years where the whole of the States, and in fact the Constables, could be elected during that 2 or 3 month period once every 4 years as well. So you would get, if you like, a general election quarter or period every 4 years which would effectively change or give the public the opportunity to change government completely if they were completely dissatisfied with the whole government and the whole set-up. So I hope that has answered the Constable of St. Mary and I give way to Deputy de Faye who will hopefully conclude matters with his usual aplomb. Thank you, Sir.

1.36 Deputy G.W.J. de Faye:

I am very grateful to you and all my distant cousins and school friends in the Chamber for allowing me a second bite at this. Just to follow on from what Deputy Ryan was saying, of course the key difference between Senators and Deputies, I think, is on average about 11,000-12,000 votes, it is relatively significant. But I do rise a second time because I think I just want to clear-up a number of misapprehensions or misunderstandings which I think has cast aspersions on a number of Members, including me. It relates to this idea about slipping-in through the back door because you ran a Senator's election and failed and then you became a Deputy. I do have to say that I think that is an unfair way of looking at things. I do not take this personally in any way but I simply put it in this way; elections are about effectively finishing first past the post or, in the case of a Senatorial election, the first 6 past the post. Over the years, partly because of rapporteurs, there has been this concept that if you were not in the first 6 you have somehow been rejected by the electoral and therefore you should bite the bullet and realise that you are not wanted. I have to say I fundamentally disagree with that view. If you are rejected by an electorate it is when you get no votes. But if you finish not in the top 6, there is going to be plenty of people who did not succeed in being elected but I do not regard those people as failures, they have nevertheless generated thousands of votes and they certainly have support among Islanders. The reason why many of those people who run in Senatorial elections pop up again in Deputies election is because a lot of people who voted for them asked them to do precisely that. "Please do not give up now, do not feel rejected, do not feel you are a failure, we liked what we heard and would you please run again as a Deputy." I would say in particular, and Deputy Ryan mentioned this in his speech, let us take another fairer view on this and also do not forget that every time you knock me or another one of

the Deputies who apparently got in through the back door, you are not knocking me but you are really having a go at all the people who voted for me. I am big enough to take the knocks but what you are saying is that you are discounting all those people who did vote for successful Deputies. I do not think that is a particularly good thing either. I do also want to take up what we heard recently from Senator Vibert who gave us an interesting breakdown on the turnout statistics. I think this is an important point because, like so many others, we do seem to get bogged down in numbers. In fact over the course of debate over the day I have been quite intrigued on how Members have tackled it and have clearly broken down the issues and you sometimes hear a sign-off in a speech which goes: “Well, a number years, like 4, more than 5, I think I will trim off just a couple of Senators; reasonably happy with the Constables and we will look again here; my favourite colour is lilac and perhaps we can work that in somewhere” and so on. Fine, everyone has their own approach but I think to somehow worry ourselves about voter turnouts is really wandering up the wrong path. I say that on the back of my former life as a journalist. This stuff is the stuff of political commentators. It is the famous swingometers and stuff that I am sure those of you who are enthusiasts will have stayed up to the very early hours of the morning to see how these elections would go, what the swing was, the turnout and so on. It is basically all cobblers to fill airtime and newspapers and radio. It really is - and I apologise, Sir, if that is not States’ language but I will say it again - utter cobblers. There are very straightforward rules about getting elected. People nominate you and then you have to get more votes than all the other nominees and then you are elected. It does not really matter whether 50 people turnout, 500, 5,000 or 50,000 it still boils down to the first 6 past in Senators or the first wherever you are in your Parishes. So let us not get too worked-up about voter turnout and percentages of vote. I was very amused when I put forward at the beginning of this in committee debate 2, I believe, entirely plausible ways of virtually guaranteeing voter turnout: (1) make it compulsory and a criminal offence not to vote or; (2) take the carrot approach and give people prizes. Frankly the look of horror on the faces around this house at the idea that we might have 100 per cent turnout was pretty astonishing. I suddenly got the feeling that the Privileges and Procedures Committee, who have told us all along: “It is all about voter turnout”, when confronted with the potential nightmare scenario of everybody is coming to vote were not quite so keen. **[Laughter]** So the corollary of all this is I say: “Yes, we have all got some bright ideas, some are a little more radical than others, and I commend Deputy Fox for his straightforward bravery, I think, in suggesting that we should corral the Connétables in some other place at some other time**[Laughter]**..which I thought was one of the most astoundingly extraordinary approaches to this entire problem. Let us all realise that even tiny little tweaks in the system do have very serious repercussions, many of which we will not understand until they happen. In the words of our very eminent Senator Le Sueur: “If the clock ain’t broke don’t fix it” what we should be looking at first is to what extent is the system bust and a number of us have gone into that. Let us all tread, I urge, with great caution. To conclude I think possibly the best suggestion that I have heard in this entire in committee debate came from Deputy Labey who said: “If we have got that money to spare let us start educating our young people about how the system works” and I think that is a jolly good start.

1.37 Deputy S. Pitman of St. Helier:

I am not going to talk about the number of States Members that we should or should not have in the House, Sir, because I think it has been touched upon and we are coming to the end of the day so I will just talk about one big issue that has been talked about - or the question asked - why the people of Jersey are not taking part in a big way in voting. Sir, I would like to briefly talk about this. Constituents have said to me about politicians, that they lie. They say one thing and they do another. They do not care, they are in it to further their own agendas and they do not listen. Sir, this is what my constituents tell me - and of course it is not about me, they do not say this about me - about other politicians. **[Laughter]** I would tend to agree with them, Sir, sadly. Not all politicians, thankfully. These I feel are the main reasons why people do not vote and I am surprised to hear that only 2 States Members have spoke of this in the House today, which I think gives an

indication that States Members are not in touch with the people. On top of this, as Deputy Martin has already said, we have a Chief Minister without a people's mandate. Two candidates for this position: one who always tops the polls, Senator Syvret, and who was favoured by the people to be their Chief Minister; and the other candidate, Sir, Senator Walker, who came bottom of the poll in its last election.

Senator F.H. Walker:

With respect I did not come bottom of the pole, I came 6th out of a poll of, I think, 17. [Laughter]

Senator J.L. Perchard:

May I on a point of order, I do not know if the Deputy has been in a different place but I was not aware there was a public vote for Chief Minister.

Deputy S. Pitman:

No, I am not making that point. Sir, I apologise to Senator Walker, he did not come bottom of the poll, he was last [Laughter]..

The Greffier of the States (in the Chair):

He was last of those elected then.

Deputy S. Pitman:

Yes, I was about to say that, Sir. So I ask is this democratic? Furthermore, Sir, let us not forget the policies that we have made that our people have to live with. For instance, G.S.T. on education, basic food stuffs, *et cetera*. While we will have '20 means 20' which will not mean 20 per cent for those who are very rich but will hit the poorer and the middle income earners hardest. Sir, I have said all this before - sorry, I missed out one bit there. On consultation: the consultations that we have which Ministers claim to be held so they can hear the people's views, well, Sir, I think that is a joke to be quite frank. If people felt they were being listened to then things would change. Sir, I really think that the important thing that we really need to be talking about when we are asking ourselves why people do not vote is do we listen to them, like my colleague Deputy Martin asked.

1.38 Senator F.H. Walker:

I cannot resist the temptation to respond slightly to that but, like other speakers recently, I will not be long. I think the fact is if Deputy Pitman's view or the views of the electorate were right then the J.D.A. (Jersey Democratic Alliance) would have stormed in at the last election. As it was they rather lamely fell out or - in some cases, spectacularly fell out - but that is another story. Sir, the basis of much of the debate has been what is broken and do not mend it if it is not broken, but I disagree with Deputy de Faye, I think voter turnout is of huge significance. I think voter turnout reflects the health of a democracy and we cannot say in Jersey that we have the healthiest democracy so long as our voter turnout is in the 30-odd per cent mark. When I spoke yesterday - it seems like days ago - in the debate I said that I favoured option 2, and long term I still do but I think I have been persuaded during the debate that such a change, and it is a fundamental change, is too much too quickly for 2008. I think that proceeding with caution, although making some change, is probably the best outcome of the debate and I think many Members have made very sensible contributions in that respect. So what does proceeding with caution then mean? It probably means different things to many of us but certainly I would not still be advocating that part of option 2 which suggested a reduction in Members from 53 to 42. I think that is too big a change while Ministerial government is undeniably still bedding-in. But I dismiss ideas - I have to say - of a reduction to 49 or something like that. That seems to me to be just tweaking the system almost for the sake of it without any real merits to the argument at all. So, I think now, on balance, I would not seek to change the numbers of Members of the States in the short term. Sir, I very much want to add my support to those - and indeed I said this in my opening speech - who believe that the protection, the conservation - that is not necessarily the right word - the preservation of the

parochial system is absolutely vital in the Island of Jersey and therefore I very much continue to support the view that the Constables should, if nothing else, if there is no other direct link with the Parishes - although I think in the short term there will be - continue to be the essential representatives of the parochial system in this House and they will continue very much to get my support in that respect. So what change is on the cards for 2008? Well, I am still a supporter, although I understand the arguments of curtailing electoral terms and so on, of a common term of 4 years and I think that probably is achievable for 2008. Whether a general election is achievable or not, if we continue to have 3 distinct categories of States Member, is to me an issue. I am fully in favour of it in principle - philosophically - but I really do and am among those who think there will be tremendous administrative problems and tremendous recipe for confusion of the electorate. So I would hope that P.P.C. would most certainly - I am sure they will on the back of this debate - look at introducing a general election in 2008 but I hope that they will look at the administrative aspect of that very closely indeed. The hustings, for example, could turn into an absolute nightmare for voters, and that is exactly the opposite of what we want to achieve. Senator Syvret says they already are and I agree with him in terms of the Senatorial election but a general election could perhaps make that even worse and that is exactly the opposite I think of what we want to achieve. So I think it is all about proceeding with caution. Four-year term: yes. General election: possibly, but I think what has come over to me throughout this debate is really re-emphasise the nagging doubt I had about the need to meet the call from some for drastic change. I still cannot see, as I said in my first speech, the real advantages of drastic change in terms of different policies, in terms of saving huge sums of money, I just do not think that would happen. There are downsides to drastic change so I do not think we need heed the calls of those who say: "Just introduce that part of Clothier blindly, just go ahead and do it." I think we have got to be careful and the debate has certainly convinced me to pull back from the move towards option 2 which I favoured yesterday afternoon. The debate has certainly convinced me not to go there in the short term, I would still see it as a long term aim or longer term aim but just look at changes that we can digest comfortably and can cope with for 2008.

The Greffier of the States (in the Chair):

Does the Chairman of P.P.C. want to say anything before we close the discussion?

1.39 Connétable D.F. Gray of St. Clement:

Very little, Sir, because I know we are all anxious to get home but I have taken careful note of all that has been said and that the P.P.C. was also doing that. I do not think it is the time at this time to make comment because we need to think about it in depth before we do make comment. I would just like to make one comment to Deputy Le Fondré who said that he doubted whether the timetable was possible. We did issue on everybody's desk a possible scenario. It is possible, but only just. So, thank you all once again and we look forward to 1st May and Senator Shenton's debate.

ADJOURNMENT

The Greffier of the States (in the Chair):

Very well, that concludes the sitting in committee and also concludes the business of the Assembly. The meeting is closed and we will reconvene on 27th March 2007.