

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 21st APRIL 2021

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[9:32]

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

The Bailiff:

Before we continue with Public Business, I was asked by Deputy Gardiner yesterday to review, pursuant to Standing Order 12(2)(a), the answer to Written Question 164. The test that I apply is whether the answer is directly relevant to the question. The question asked the Minister for Health and Social Services in connection with the costs and expenditure on the OpenCell COVID-19 laboratory from 18th August last year to the present time, and a number of categories were set out in the question. The question deals with all of the categories, direct answers are given to subparagraphs (a) and (d) of the answer and general answers to parts (b) and (c). Parts (b) and (c), the total sum is given and the daily increment is given but the individual costings are not on the grounds that they are commercially sensitive. The test that I have to apply is, as I have said, whether or not the answer is directly relevant to the question and it seems to me that the question of commercial sensitivity is a question for the person answering the question and not something on which the Presiding Officer is capable of making a judgment. In any event, in my judgment, the answer is directly relevant to the question and accordingly I rule it to be in order.

PUBLIC BUSINESS - resumption

1. Draft Road Traffic (No. 66) (Jersey) Regulations 202- (P.15/2021)

The Bailiff:

We now continue with Public Business, and the next item of Public Business is the Draft Road Traffic (No. 66) (Jersey) Regulations, P.15, lodged by the Minister for Infrastructure. For the purposes of the debate the main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Road Traffic (No. 66) (Jersey) Regulations 202-. The States make these regulations under Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956.

1.1 Deputy K.C. Lewis of St. St. Saviour (The Minister for Infrastructure):

I would begin by noting that there is currently only one coastguard vehicle used for emergency purposes. In the United Kingdom the search mission co-ordinators of the Maritime Rescue Co-ordination Centres are permanently based at their respective operations rooms and are supported by teams of mobile coastguard officers. The situation in Jersey is quite different in that the duty harbourmaster carries the search mission co-ordinator role 24/7, unsupported by other mobile assets and therefore may have to attend from home or elsewhere. The search mission co-ordinator is under pressure to attend, at short notice, to emergencies being limited to certain speeds at which would increase response times, which has implications for the safety of life at sea. Some time ago the Minister for Home Affairs approved the use of flashing warning lights on coastguard vehicles when on emergency callouts. The decision was made subject to the proviso that the coastguard drivers were not to be subject to the exemption contained within the Traffic Signs Order 1968, nor to the exemptions under the Article in the Road Traffic Law 1956, which applied to other emergency vehicles. The rationale for not extending these exemptions at the time was that the coastguard driver training level was not as high as other emergency services. In 2015 it was confirmed that the coastguard drivers were qualified Institute of Advanced Motoring Advance Drivers and had undertaken and passed a Royal Society for the Prevention of Accidents accredited training blue light training course. It was therefore decided that all exemptions applying to other emergency service vehicles should be extended to Jersey coastguard vehicles and the executive officer. One of the reasons for the delay in progress since 2015 was that during the process of preparation of the amended

legislation a defect in the existing legislation was found, which required an amendment of the Road Traffic Law 1956 to correct both the existing provision relating to traffic signals and emergency vehicles and consequently Road Traffic Order 1968. The draft regulations would make the amendment, as well as making the changes necessary, to enable the application of the blue light exemptions to the coastguard. In addition, the draft regulations will (a) insert a definition of Jersey coastguard service in the 1956 law, which refers to Article 2 of the Harbours Law 1961 and update the current references in the law to the fire service by inserting a definition of the fire and rescue service, which refers to the current legislation, namely Fire and Rescue Service Law 2011; (b) amend the provision in the 1956 law, which exempts vehicles used for fires, ambulance and police purposes from speed limits in emergency situations to include vehicles used by the Jersey coastguard; (c) amend the provision in the 1956 law which enables the Minister to make orders exempting drivers of vehicles used for fire, ambulance and police purposes from complying with road traffic signs so that the Minister can include vehicles used by the Jersey coastguard.

[9:45]

This also corrects the problem identified in 2015 by altering a cross reference so the reference in the order-making power to traffic signs includes traffic lights. While the draft regulations have become law, changes can be made to the existing orders relating to the fitment and use of warning signs and the use of warning lights, which will be necessary if coastguard vehicles are allowed to exceed speed limits and overall traffic signs and signals in order to ensure, as far as possible, the safety of other road users and the public. Other emergency service vehicles are already covered by such measures. The Road Traffic (Miscellaneous Amendments – Coastguard Vehicles) (Jersey) Order 2021 would (a) amend the Motor Vehicle Order 1998 so that the prohibition in that order from fitment of a bell, gong, siren, two-tone horn to a motor vehicle does not apply to coastguard vehicles and (b) amend the Road Traffic Order 1998 so that coastguard vehicles are included in the definition of emergency vehicles. That order allows emergency vehicles to be fitted with blue flashing lights; and (c) amends the Road Traffic (Signs) Order 1968 so that drivers of coastguard vehicles are not guilty of the penalties for failing to comply with traffic lights and traffic signs providing certain conditions are met. I will conclude by thanking the transport officers who have worked in partnership with Justice and Home Affairs, and the Law Officers' Department to undertake this work. I trust these changes will assist the coastguard and harbourmaster to best protect lives at sea. I urge Members to support this regulation. I make the regulations.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

1.1.1 Connétable M.K. Jackson of St. Brelade:

This is a sensible move to regularise a position which has evolved as a result of governmental changes. My personal experience as a Deputy launching authority with the R.N.L.I. (Royal National Lifeboat Institution) has proven to me that it is essential that the coastguard officials are enabled with training to attend emergency situations which may arise around the coast. These situations arise very often as a result of calls from the public to the coastguard. The coastguard cannot establish exactly what the situation is very often until they attend onsite. Timing can very often be of the essence from a life-saving point of view. In summary, I urge Members to support this proposition.

1.1.2 Deputy K.F. Morel of St. Lawrence:

It was just to say that I know the Minister made reference to this in his speech but in the U.K. (United Kingdom) this has been the case for coastguard vehicles for some time. I know in 1992, 1993 I was a member of the coastguard service in the U.K. and it was a coastguard service attached to a school where you had 18 year-olds alongside the teacher attending emergencies, and it was always a blue light emergency. So it strikes me that if in 1992 it was possible the coastguard operated as a blue

light service in the U. K. then it is about time that we did the same in Jersey. I will be supporting the Minister on this one.

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

I am not going to add very much more to what the Minister, the Deputy and the Constable have said. It is vital that coastguard, the co-ordinating person in charge of search and rescue, is able to access these areas quickly and blue lights on their vehicles will be essential so I am fully supportive of this.

The Bailiff:

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

1.1.4 Deputy K.C. Lewis:

I thank the Constable of St. Brelade, Deputy Morel and the Deputy of St. Martin for their kind words and comment and congratulate them on their public spiritedness in assisting the search and rescue in the past and present. I make the regulations.

The Bailiff:

I ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted:

| POUR: 40 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator T.A. Vallois | | | | |
| Senator K.L. Moore | | | | |
| Senator S.W. Pallett | | | | |
| Senator S.Y. Mézec | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Grouville | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |

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

The Bailiff:

Does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise the matter?

The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

No, thank you.

The Bailiff:

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

Deputy K.C. Lewis:

En bloc please, Sir.

The Bailiff:

Do you wish to speak to them?

1.2 Deputy K.C. Lewis:

I do not think there is much more I can add. As Deputy Morel said, it is a long time coming but there was quite a bit of consequential work that needed doing. I am delighted to bring it before the Assembly today.

The Bailiff:

Are the Regulations seconded in Second Reading? **[Seconded]** Does any Member wish to speak on any of the regulations in Second Reading? No Member wishes to speak. Then I close the debate and ask the Greffier to place a voting link into the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Second Reading:

| | | | | |
|-----------------|--|------------------|--|-------------------|
| POUR: 40 | | CONTRE: 0 | | ABSTAIN: 0 |
|-----------------|--|------------------|--|-------------------|

| | | | | |
|----------------------------|--|--|--|--|
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator S.C Ferguson | | | | |
| Senator T.A. Vallois | | | | |
| Senator S.W. Pallett | | | | |
| Senator S.Y. Mézec | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Grouville | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy of St. Mary | | | | |
| Deputy G.J. Truscott (B) | | | | |
| Deputy J.H. Young (B) | | | | |
| Deputy L.B.E. Ash (C) | | | | |
| Deputy K.F. Morel (L) | | | | |
| Deputy G.C.U. Guida (L) | | | | |
| Deputy of St. Peter | | | | |
| Deputy of Trinity | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Le Hegarat (H) | | | | |
| Deputy S.M. Ahier (H) | | | | |
| Deputy R.J. Ward (H) | | | | |
| Deputy C.S. Alves (H) | | | | |
| Deputy K.G. Pamplin (S) | | | | |
| Deputy I. Gardiner (H) | | | | |

The Bailiff:

Do you propose the matter in Third Reading, Minister?

1.3 Deputy K.C. Lewis:

Yes, please, Sir.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

1.3.1 The Connétable of St. Brelade:

Just to thank the Minister and his team for regularising this position, which I have to say has been out of sorts for some time. I can assure Members that it will be to the benefit of the general public in ensuring safety at sea.

The Bailiff:

Does any other Member wish to speak in Third Reading? No other Member wishes to speak in Third Reading then I close the debate and call upon the Minister to respond.

1.3.2 Deputy K.C. Lewis:

I do not think there is much more I can add. I thank Members for their comments and their support. I make the regulations.

The Bailiff:

I ask the Greffier to place a link into the chat. I open the voting and ask Members to vote in the normal way. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The regulations have been adopted in Third Reading:

| POUR: 39 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator T.A. Vallois | | | | |
| Senator S.W. Pallett | | | | |
| Senator S.Y. Mézec | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Grouville | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |

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

2. Draft Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations 202- (P.16/2021)

The Bailiff:

We now move to the Draft Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations, P.16, lodged by the Minister for External Relations and Financial Services. For the purposes of the debate the main respondent is the chair of the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations 202-. The States make these Regulations under Articles 44, 243, 274, 401 and 409(1) of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011.

Senator I.J. Gorst (The Minister for External Relations and Financial Services):

I would like to ask my Assistant Minister, the Connétable of St. Ouen, to act as *rapporteur* for this item please.

2.1 Connétable R.A. Buchanan of St. Ouen (Assistant Minister for External Relations and Financial Services - *rapporteur*):

On 18th November 2020 my Minister brought the Draft Intellectual Property (Unregistered Rights) (Marrakesh Treaty) (Jersey) Regulations 2020, “the Marrakesh Regulations”, to the States as an opportunity arose to join the Marrakesh Treaty at short notice. This was connected to the end of the Brexit transitional period on 31st December 2020. As Members will recall, the Marrakesh Treaty is an international convention with a clear humanitarian and social development convention, which

introduces mandatory exceptions to copyright for the benefit of the blind, visually impaired, otherwise print-disabled. The treaty creates an international framework that allows for production and distribution for so-called accessible copies of works, such as braille or large print, for the benefit of people with vision-related disabilities. The Marrakesh Regulations were adopted unanimously on 18th November last year. Joining the Marrakesh family not only assists visually impaired people in Jersey but also people with such disabilities in other countries that have joined the treaty as it recognises the importance of exchanging accessible copies across national borders by organisations that serve visually impaired people. Therefore joining the treaty also has an international social development dimension as the overall available supply of accessible copies around the world increases with each country joining the treaty. However, the Marrakesh Treaty only sets out minimum standards for the benefit of people who are blind, visually impaired or otherwise print disabled and we are very grateful to the Economic and International Affairs Scrutiny Panel who raised an important point during a briefing on 21st October. We completely agree with all the comments made by the previous chair of the panel giving all disabled people better access to cultural informative materials as the right thing to do. During the debate on 18th November the Minister therefore informed Members that officers were being requested to prepare further legislative amendments to ensure that accessible copies of any type of copyright work or recording of performance can be made for the benefit of people with any type of disability. In accordance with the Marrakesh Treaty, the Intellectual Property (Unregistered Rights) Law 2011, "I.P.U.R.L." currently includes exceptions that allow visually-impaired people and people and organisations acting on their behalf to make accessible versions of literary, dramatic, musical or artistic works without infringement of copyright.

[10:00]

However, these exceptions do not include films for broadcast or sound recordings. For example, this means that they do not permit the making of an audio description that enables a visually impaired person to access a film. In addition, where a work contains a performance, the performer will also have rights on how the work is used. The I.P.U.R.L. currently only contains very limited exception to performance rights, only allowing designated bodies to make subtitled copies to record as a broadcast for the benefit of people who are deaf or hard of hearing, physically or mentally handicapped in other ways. This exception does not apply currently to other types of work. As a result of these limitations some disabled people in Jersey have still been unable to access certain types of copyright work to record performances, which means that they may be unable to participate in our society, culture and economy as easily as other people. Therefore I am now bringing the Draft Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations to the States which, if approved, would broaden the scope of the I.P.U.R.L. disability exceptions to give disabled people greater access to informative and creative content. Specifically, the draft regulations would allow accessible copies to be made of any type, copyright work or recording of performance, for the benefit of people with an impairment if and to the extent the impairment prevents them accessing the work or recording. Broadening the scope of the I.P.U.R.L. disability exceptions is also consistent with the evolving concept disability recognised in the preamble on the Convention on Human Rights of Persons with Disabilities. This convention, which has been joined by 182 countries worldwide, enables that disability results from the interaction between persons with impairments, latitude and environment barriers that hinders their full and effective participation in society on an equal basis with others. Broadening the scope of the I.P.U.R.L. disability exceptions is therefore the right thing to do as it would give disabled people better access to cultural informative materials and more generally allow them to live a more fuller life. Furthermore, the draft regulations are all about simplifying the processes and procedures related to the I.P.U.R.L. disability exceptions. In addition the draft regulation contains a small number of changes to the I.P.U.R.L. for the purposes of removing any uncertainty regarding Jersey's compliance with the Marrakesh Treaty. I propose the principles.

The Bailiff:

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

| POUR: 38 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator J.A.N. Le Fondré | | | | |
| Senator T.A. Vallois | | | | |
| Senator S.W. Pallett | | | | |
| Senator S.Y. Mézec | | | | |
| Connétable of St. Helier | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Grouville | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy R. Labey (H) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy of St. Mary | | | | |
| Deputy G.J. Truscott (B) | | | | |
| Deputy J.H. Young (B) | | | | |
| Deputy K.F. Morel (L) | | | | |
| Deputy G.C.U. Guida (L) | | | | |
| Deputy of St. Peter | | | | |
| Deputy of Trinity | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Le Hegarat (H) | | | | |
| Deputy S.M. Ahier (H) | | | | |
| Deputy R.J. Ward (H) | | | | |

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

The Bailiff:

Does the Economic and International Affairs Scrutiny Panel wish to scrutinise this matter?

Deputy D. Johnson of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

No, Sir. As the Assistant Minister advised, we have had the benefit of the presentation and we are very happy with the result. Thank you.

The Bailiff:

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

2.2 The Connétable of St. Ouen:

There are quite a lot of regulations but they only achieve what I set out when I proposed the principles, so with Members' indulgence, I would like to propose them *en bloc*. I am happy to take questions about any particular regulation but if Members are happy to take them *en bloc* I am happy to propose it in that format.

The Bailiff:

Yes, and you do not wish to speak to them, you just propose them *en bloc*?

The Connétable of St. Ouen:

Please, yes.

The Bailiff:

Very well, are the regulations seconded? **[Seconded]** Does any Member wish to speak on any of the regulations?

2.2.1 Deputy K.C. Lewis:

Just very briefly, I am more than happy to support all the regulations in their entirety. I am a governor of the Jersey Blind Society, EYECAN, and I fully support this and congratulate the whole team on the work they have done.

The Bailiff:

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

2.2.2 The Connétable of St. Ouen:

Firstly, I would like to thank Deputy Lewis for his expressions of support which is greatly appreciated and I would also like to thank the chair of the Scrutiny Panel for their input which, to some extent, has resulted in this further proposal coming to the Assembly. They have been supportive and helpful all the way through. Thank you and I propose the regulations.

The Bailiff:

I ask the Greffier to put a voting link into the chat. I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The regulations have been adopted:

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|-----------------|--|------------------|--|-------------------|
| POUR: 41 | | CONTRE: 0 | | ABSTAIN: 0 |
|-----------------|--|------------------|--|-------------------|

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

The Bailiff:

Do you propose the matter in Third Reading, Assistant Minister?

2.3 The Connétable of St. Ouen:

Yes, I do. I would like to thank Members for their support so far on this important bit of legislation which will mean a lot to people with disabilities and their ability to access entertainment and cultural matters. I propose in the Third Reading.

The Bailiff:

Are the regulations seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, the debate is closed and I ask the Greffier to place a voting link. I open the voting and I ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading:

| POUR: 39 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Senator I.J. Gorst | | | | |
| Senator L.J. Farnham | | | | |
| Senator J.A.N. Le Fondré | | | | |
| Senator T.A. Vallois | | | | |
| Senator S.W. Pallett | | | | |
| Senator S.Y. Mézec | | | | |
| Connétable of St. Helier | | | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Saviour | | | | |
| Connétable of St. Brelade | | | | |
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| Connétable of St. Ouen | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy R. Labey (H) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy G.J. Truscott (B) | | | | |
| Deputy J.H. Young (B) | | | | |
| Deputy L.B.E. Ash (C) | | | | |

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| Deputy K.F. Morel (L) | | | | |
| Deputy of St. Peter | | | | |
| Deputy of Trinity | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Le Hegarat (H) | | | | |
| Deputy S.M. Ahier (H) | | | | |
| Deputy R.J. Ward (H) | | | | |
| Deputy C.S. Alves (H) | | | | |
| Deputy K.G. Pamplin (S) | | | | |
| Deputy I. Gardiner (H) | | | | |

3. Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021)

The Bailiff:

The next item is the Draft Constitution of the States and Public Elections Law, P.17, lodged by the Privileges and Procedures Committee. For the purposes of the debate, the main respondents will be the chair of the Corporate Services Scrutiny Panel, Senator Moore, and the Chief Minister and Senator Gorst, and the chair of P.P.C. (Privileges and Procedures Committee) in relation to the amendments of Senators Gorst and Farnham. Before I ask the Greffier to read out the citation, Members have had the benefit of a running order prepared by the Greffe and approved by me and a further update of that has been circulated containing in the notes section those parts of the propositions and amendments where a qualified majority is required, in other words, 25 votes are needed. The purpose for that is, of course, that anything that changes the constitution of the Assembly, the duration of anyone's term of office, those kinds of things, pursuant to Article 89A require the majority of elected Members to pass it and so those will have 25 votes. Hopefully Members have received the updated running order with those in the notes set out in full. I ask the Greffier to read ...

Male Speaker:

Could I declare an interest which is the same for every States Member? It may seem obvious but if we extend our term of office we will get an extra month's salary. That cannot stop us debating it, and I am sure that would not be a reason for people voting for an extension, but it is nonetheless the case and I think it should be mentioned.

The Bailiff:

Thank you for mentioning it, Connétable. It is, I suppose, arguably a direct interest but it is an interest shared by everybody within the Assembly and it makes, to my mind, no difference. It clearly has to be debated and it does not disqualify anyone from voting in connection with this. Thank you very much indeed though. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Constitution of the States and Public Elections (Jersey) Law 202-. A law to amend the constitution of the States and make provision about the election of Deputies and Connétables, and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

3.1 Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee):

The Assembly stands on the threshold today of delivering some long overdue change to our electoral system. It is a change demanded of us by the people we serve. Every time we ask them, their message is clear. It is a change recommended to us time and time again by every review panel, commission and observers' mission we have invited to evaluate our system. Despite this, it is change for over 20 years that has been put off and pleaded, blocked or wrecked by successive Assemblies to the disappointment and despair of the public we serve. Our figures for civic engagement, among the worst in the world, is a manifestation and reflection of this. In December last year came a breakthrough, the strongest vote in support of real electoral change the Assembly has seen in decades. It is now within our grasp to demonstrate that we are listening. We can put the voter first by offering a fairer, simpler system and we will repair the damage done to this Assembly's relationship with its people when the referendum vote was ignored. Today what I am proposing is a legislation to enact that decision. Today we can cement into law paragraph (a) of P.139, an Assembly of 49 Members, 37 elected from 9 districts, each choosing a number of representatives based on population plus the 12 Parish Connétables. The remaining amendments to the legislation which underpins the election process addressing all of the proposed improvements, including the "none of the above" option, are currently being drafted and will return to the Assembly very soon. The change to the composition of the Assembly and the electoral districts represents a significant shift. International standards and best practice dictates such change should be implemented no later than 12 months before the date of the next election which we can possibly do at this sitting. The reason for this standalone first tranche of enactment is to give clarity and certainty one year ahead of election time. P.P.C. is poised to launch a campaign informing the electorate of what the changes mean to them and how the new system will work. We want to reach out to potential candidates well before the election to let them know what is involved so they are prepared as soon as possible. We want to urge all those who have given up on us after the 2013 referendum to come back into the fold.

[10:15]

We want to explain the new simplicity to those who found the old system confusing and off-putting. At the allotted time, we want to encourage everyone to do their duty and vote. No one likes to feel stupid but whether trying to select the right cycle on a washing machine or the right candidate in an election, simplicity is key. It is not clever to be complex. I wish to pay tribute to the law drafters and law officers who have been incredibly helpful. We are in new territory here; it is tricky and exhaustive work being undertaken with great care and diligence. I have just noticed somebody has commented there is quite a bad echo.

The Bailiff:

There is a bad echo. Speaking personally, I can hear you, Deputy, so I had not interrupted you. But if anyone is indicating that they cannot hear, notwithstanding the echo, could they indicate to me now? Well it looks like even though there is something of an echo, and there is, you can still be heard, so if you would like to continue, Deputy.

Deputy C.S. Alves:

I might just sit back a little bit from the mike. Can you still hear me now?

The Bailiff:

Yes, we can. Or I can, anyway.

Deputy C.S. Alves:

I will just repeat that last paragraph. I wish to pay tribute to the law drafters and law officers who have been incredibly helpful. We are in new territory here; it is tricky and exhaustive work being undertaken with great care and diligence. We offer our heartfelt thanks to them. From them, we learnt in moving from the old electoral system to the new, there has to be a day upon which one

ceases to exist and the other becomes law. The best day for that transition is election day, hence the date appearing in this legislation. I am just going to try something else, Sir.

The Bailiff:

Yes, as Deputy Labey has suggested in the chat, if everyone could make sure that their own microphones are muted to ensure that we do not have any unnecessary reverberation and echo.

Deputy C.S. Alves:

Can you still hear me?

The Bailiff:

Yes, we can, thank you, or I can.

Deputy C.S. Alves:

I can still hear the echo a little bit as well. From them, we learnt that in moving from the old electoral system to the new there has to be a day upon which one ceases to exist and the other becomes law. The best day for that transition is election day, hence the date appearing in this legislation. I must admit, this came as a late surprise. We had hoped to continue our consultations on the date of the next election before bringing our proposal to the Assembly. However, it had to be part of this proposal and with the lodging deadline fast approaching to ensure a debate this week, this curtailed that process. I had hoped for a meeting with the Scrutiny Liaison Committee and a Teams briefing for all Members but this did not happen. Deputy Labey and I would like to apologise to Senator Moore, the Scrutiny Liaison Committee and to Members for this, no slight was intended. The S.L.C. (Scrutiny Liaison Committee) comments are very much noted and out of respect for them P.P.C. adopt a neutral stance in proposing the reduced lodging period amendment. There is precedent for a reduction in the lodging period for the Government Plan and P.P.C.'s amendment to this effect was meant to be helpful. Members are of course entitled to reject that and to opt for a June election. The next Council of Ministers will have to adapt and overcome accordingly. It is unusual to have a debate in the Assembly on the date of the election. Historically, the Greffe have worked out the most suitable day, passed this on and with no questions asked, so I want to make it absolutely clear, P.P.C. will make the election work on whichever day the Assembly chooses. I also want to make it clear that a 22nd June election date does not extend the life of this parliamentary term. We were all elected or re-elected on 16th May 2018 for a 4-year term of office. The nearest Wednesday to that date in 2022 is Wednesday, 18th May. That is the date we have scheduled for nomination night, the firing pistol for the election campaign. The parliamentary term ends there and the election begins. Because of the Assembly's unanimous approval of Article (f) on P.88/2018 on 26th June 2018, the Assembly will properly prorogue or enter a period of dormancy. There will be a new distinction that when the election is called, our term of office is over. Ministers will only retain their authority to sign off on routine or emergency orders. If Ministers are struggling with this concept, then I am afraid that is tough. The Assembly was resolute in the aftermath of the last election when debating P.88. Clinging to visible power during an election is not acceptable. Gone will be the days of ministerial decisions announcing new policies, grabbing *J.E.P. (Jersey Evening Post)* headlines while the campaign is in train. In practice and perception, the term of office will cease when an election begins and an election begins on nomination night. P.P.C. also does not consider it to be appropriate for outgoing Members to maintain their ministerial positions after election day. Again, with P.88 very much in mind, we propose the Ministers cease to hold office after election day. The Chief Minister will remain in post to cover any emergencies until the swearing-in of a new council. We are tightening up as far as possible the time between the election result and the election of Chief Minister and Ministers while allowing for necessary negotiation time. This can be done in 15 working days. In a second tranche of legislative amendments which are due to come forward for debate before the summer recess, P.P.C. will be bringing forward changes to that. Newly-elected Members take their oath as soon as

practicable after the election to ensure that Members leaving the Assembly do not retain powers once the electorate have chosen others to take their place. The next election could also avoid Liberation Day and the Easter holidays with the nomination on Wednesday, 18th May. Five clear weeks of election will take us to 22nd June 2022 which has a nice ring to it and we can have Chief Minister, Ministers and Scrutiny chairs in place by the third week of July when we traditionally recess. As with electoral reform, the date of an election will be subject to 49 different views on the best choice but, just as with electoral reform, to make progress there must be compromise. What should not be compromised is the optimum day for an election which best suits the public, not one that is personal preference of politicians or because of parliamentary procedure. This is definitely the tail wagging the dog. Soon after the last election, Deputy Labey, unhappy with attending Liberation Day as both a States Member and a candidate for election, reopened the debate on the best time to hold our general election. Inevitably, the notion of returning to autumn resurfaced. In reality, this would mean a mid-October election at the earliest. The overwhelming consensus from Members was a preference for spring or early summer when the evenings are lighter and coupled with a desire for Liberation Day not to fall within the election period. It was me who suggested the date of 22nd June. The last election clashed with my own students' crucial G.C.S.E. (General Certificate of Secondary Education) and A-level exams. This struck me at the time as counterproductive in terms of increasing turnout among the younger demographic, especially since the Assembly lowered the voting age to 16, which is something we should be proud of, especially as very few jurisdictions around the world have been brave enough to do this. If we want to empower our young people to vote, we also have a duty to make it as accessible as possible for them. On the issue of Liberation Day, former Bailiff, Sir William Bailhache, sums up the dilemma in the 2018 States Assembly Annual Report and I quote: "As the chairman of P.P.C. says, sitting Members who are standing for re-election have a slightly uncomfortable day on Liberation Day which is a time when all States Members should be on parade to celebrate our national day. The concern here is for new candidates. How must they feel days before polling day seeing those they are challenging in the prominent public gaze on our national day." The Comité des Connétables were consulted once a June date was being considered and because of a clash with Parish accounting and future budgeting, the Connétables voiced their preference for an autumn election. The committee did, however, give its blessing for the 2022 election to be held in June but stated they would like a conversation as soon as possible on a return to autumn for the 2026 election. This is a conversation P.P.C. will facilitate. The Deputy Greffier, Deputy Labey and myself attended the Council of Ministers. The June date was well received and gained implicit approval. Concerns over preparation for the Government Plan and a so-called extension of the term of office were not voiced then and appeared many weeks later. If the election were to return to the autumn in 2026, as a number of Members seem to prefer again, Government arrangements for the preparation of their Common Strategic Plan would have to find ways to overcome this. The point is, we can overcome and we always do. I want to finish my speech with this observation. An election date is of fundamental importance to our democracy. P.P.C. is striving to hold the next election at the optimum time for the greatest voter turnout. We are not playing politics, we believe this consideration trumps any other. Nevertheless, the Assembly has the opportunity to reject that and stick to the May date. Either way, we will respect the Assembly's decision. Changes to our electoral system enacted here again are driven by what is best, simplest and most fair from the voters' perspective, not the politicians' perspective. That has been our guiding principle. The December debate still rings in our ears with 5 amendments attempting to alter P.P.C.'s proposed changes to the Assembly. It ran into 3 days. In truth, by the time we reached Senators Farnham's and Gorst's amendments, both attempted to restore the Senators, we all knew the Assembly had made up its mind. Nevertheless, we listened to the Senators and their supporters. All were given the opportunity to have their say and they did so repeatedly. Do we really need to re-rehearse those arguments today? This Assembly resolved to make real change, to mend our broken system, to repair the damage done when a referendum was ignored, to build a better, more meaningful, fairer and simpler future for democracy in Jersey. We want to restore confidence in this

Assembly so, Members, for just one more debate on electoral reform before we close this chapter, I urge you to maintain your resolve and stand by the decision you made just 4 months ago. Let us move forward. I propose the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

3.1.1 Senator L.J. Farnham:

It is difficult for a number of Members, I think, well it is difficult for me, because there are some elements of the principles I support and some that I wholeheartedly cannot support. But what I think is clear is that we are all committed to the continued change that we have seen over the last 20 years. In fact, since Clothier, all elements of the change have been introduced in stages. A lot of what I want to say in relation to the Island-wide mandate I will keep, I think, for the debate on the amendments but I just wanted to pick up on a couple of points that the chair of P.P.C. made in her very good presentation of the principles. The first one is that I think Islanders do want continued change but I am concerned about the fact that we are proposing to remove the Island-wide mandate, clearly against public opinion, if Members cast their minds back to the Parish roadshows that were carried out - we call them roadshows - by the chair and a team from P.P.C. I attended a number of those but I remember particularly the one I attended in St. Ouen was wholeheartedly against the removal of the Island-wide mandate by a very large majority. As I believe, all, perhaps with the exception of St. Helier - I am not sure, I cannot remember - were not in favour of removing the Island-wide mandate.

[10:30]

The chair also talked about wrecking this. There is certainly no intention to try and wreck anything. A healthy difference of view and opinion is nothing to be concerned about, it is why we have these debates. I also want to just touch on the issue of the claim that our current system is confusing and I do not think that is right. I think it is underestimating our electorate to say that they do not understand the current system. All of my life, and I have been interested in politics since I can remember, since a very young age, because my family always voted and we were always encouraged to take an interest, I have never witnessed any of my peers or friends or family or other Islanders saying the system confuses them. I believe we have made it a little bit easier moving forward with the single true election day, although that I think unwittingly started to cause a demise of the office of Senator because the Assembly at the time felt it was not possible to elect more than 6 or 8 Senators on a single ballot paper. Well of course Guernsey have since proved us wrong. So to make progress, we must all compromise, as Deputy Alves said, and I think the amendments, or some of the amendments proposed today are exactly that, a compromise, and I look forward to speaking to them. Whatever happens today, whatever the results, I hope the whole Assembly will embrace the way forward, whatever that may be.

3.1.2 The Deputy of St. Mary:

I just wish to make comment on a reference the chair of P.P.C. made to the necessity of this further debate. In this context, I refer back to the so-called hospital debate some months ago when there was disappointment among the public that it was so short. It is the case obviously that Members had the benefit of internal debates on the matter and I can see why the public were disappointed that it was not aired more fully at that time. I appreciate too that this subject has been debated to death over the last few years. Members can be forgiven for saying it is not too similar in the sense that the public should be well aware of it but I respectfully suggest that therein lies the problem. The matter has been debated so often and the status quo has been retained so often that, on the last occasion, many of my constituents certainly believed that it would make the same fate and were not particularly incentivised to join in. Now that they are facing the reality of the situation, there appears to be greater

interest by the public in what is now before us and I therefore do reject the idea that this is some form of wrecking motion. I would ask that, whatever point of view Members have, we do continue with this in the spirit that the public deserve with a further full debate no matter that there are a few items that will not have been rehearsed before. I urge Members to continue with this debate in that vein.

3.1.3 Senator K.L. Moore:

I too will maintain the majority of my comments to speak on the amendment but I did wish to respond to comments by the chair of P.P.C. in relation to conversations about this matter. While I am grateful and members of the Scrutiny Liaison Committee and the various panels, I am sure, will also be grateful for the apologies of the Privileges and Procedures Committee in relation to the moving of the election date, it is rather disappointing to note that the Council of Ministers were not indeed consulted on this important matter. This is not a petty matter. It is of fundamental importance and I think Senator Gorst in his amendment identifies that issue very clearly about the moving of the date of an election and the fundamental message that that can hold for the community, Members and also those wishing to stand for a future election. It was well-known to the Privileges and Procedures Committee after the previous election that the move from October to the spring did cause issues in terms of preparing for the Government Plan and preparing also for the common strategic priorities process and all of the implications that has both for the Executive and for the non-Executive Members. It is simply for that purpose that we feel somewhat disappointed by the approach of the Privileges and Procedures Committee in terms of not taking into regard the impact that this move will have on the fundamental principle but, secondly, on the good functioning of the Assembly and its internal work. The Scrutiny Liaison Committee have, on a number of occasions, had to highlight the difficulties that we have in conducting important business over the summer period where it is very difficult to achieve hearings with both civil servants and Ministers who wish to take a period of holiday. It was somewhat amusing to hear the chair mention that, with the Council of Ministers, *et cetera*, all appointments will be made by 3rd June just in time for the summer recess. I really would hope and counsel the Privileges and Procedures Committee to give greater consideration. There had been a rumour some time ago that they had considered bringing the election date forward to an October election again, as the chair mentioned in her speech, and I was somewhat disappointed that they did not take that step and do that. I simply wish to note the Scrutiny Liaison Committee's majority view in this regard and to thank the chair for the apology but I would like to state at this time that greater consideration does need to be given to that particular matter. I hope that, going forward, we can have greater engagement between the Privileges and Procedures Committee and the Scrutiny Liaison Committee when considering the organisation of important business in the future.

3.1.4 Deputy J.H. Young of St. Brelade:

I, first of all, put down to speak because I wanted to congratulate the chairman on P.P.C. with what I thought was a very masterly speech very, very clearly setting out the whole rationale as to why we really have come to this point and we must see it through. Of course, I think the overall position is that what we have here today is as close as we can get to the referendum decision in the referendum that was taken in 2012 or whenever it was. Of course, I was a Member of the States. I have said this before and I will say it again. I regret voting against those changes at that time and I think with everything that has gone on since then indicates that was the wrong decision, that we need to make progress and this proposal we have on the table finally achieves that within one year of our election. I think that absolutely must not be underestimated. On the issues that the chairman spoke of, in particular the issue about the rush - and we had that debate before and I will not go into the details of it - I think the way the transition was done between the Council of Ministers that held office between 2014 and 2018 and now was not good. We had absolute embarrassment after embarrassment of ministerial decisions which really set the whole structure of our ministerial government and so on that was rushed through. We are only really now seeing the full consequences of this all within that period and further and so I am really, really, really pleased that the arrangements we have here will

absolutely rule that out. Now of course it is well-known that I do not intend to stand again at my age and I can say I am absolutely delighted that, on the election day, I will not hold any ministerial responsibility but I will deliver it up until then as my obligation to my electorate requires. I can assure you there is no personal interest. I do feel that Liberation Day was spoiled by having that election around the time of the Liberation Day and I remember feeling all those things that the chairman describes. The public must be very, very confused and so I think we should allow ourselves to celebrate and mark Liberation Day without all that tension and political goings on. Then after that, we are into a proper democratic process. I think the complications that have been mentioned about the Common Strategic Policy and the Government Plan and so on can be sorted. You start with the democratic processes and then we modify those that are bureaucratic processes to suit. As the chairman said, it can be sorted so we should not see that as a bar. Ultimately, I think there is merit in the longer term in an autumn election but I think that will come in time. One thing I would like the chairman, in her reply, to pick up on please is this issue which I had hoped we would also see in time for the next elections, which is changes to the Election Law. The particular thing I wanted to see happen - which I always thought was very unsatisfactory as it is now - is that we do have a common system for access to the register of electors and we do have a single nomination timetable where we do not have this situation where particular Members or candidates can manipulate which consistency they stand for by turning up on different dates and surprise everybody and so on. I recall we had a debate about that and I would like to know where that sits in the scheme of things. Is that now too late to happen because of the fact that it is within a year of an election and, therefore, is that for the future? I would like please if the chairman could pick that up. I am absolutely delighted with where we are. There is really only one issue for me on the amendment and that is the question of whether we have enough Members because the restrictions to reduce the number of Members has caused problems but that is an issue for the amendment when we come to it.

3.1.5 Deputy K.F. Morel:

Following on from Senator Moore's comments, I feel for the new chair of P.P.C. because I think she has been given a difficult task with regard to the decision we made 4 months ago but to hear that Scrutiny have not been consulted, for me, is a massive problem particularly with regard to the date. To be honest, there are elements when you look at the way this has gone through - and, strangely, this is not me speaking against it but criticising it - which is that P.P.C. have not covered themselves in glory upon this. They are a body that is meant to maintain a kind of equilibrium with the Assembly itself but we see that they have not consulted Scrutiny. We know that when this was passed at the end of last year that it was opportunistic in itself. I can handle that opportunism, if the process afterwards is spotless and flawless but we hear today that it is not. I personally do not think apologies are enough. I have spent a lot of time in this Assembly criticising the Government for ignoring Scrutiny. I now have to criticise P.P.C. for ignoring Scrutiny and that saddens me enormously. Certainly, with regard to the date, it makes me strongly question whether I could support that and I would ask, when it comes to it, that part is taken separately.

[10:45]

In terms of the date itself, I just do not see how an election on 22nd June works with the calendar. I cast my mind back to 2018. We had the election on 18th May or 16th May but thereabouts and we were sworn in at the very beginning of June. We then had a process which lasted about 3 to 4 weeks electing the Council of Ministers and then from a Scrutiny perspective, there were many new Members who are very eager - as all new Members are - who wanted to get down to work. What happened? The Government went on holiday and that was with an election date in May. With an election date towards the end of June, we will have the Council of Ministers elected towards the end of July and then I promise you the Government will then go on holiday. There will be no discussion of the Common Strategic Policy and there will be no discussion of the Government Plan until September. There will be many new Members kicking their heels and wondering: "Why did we

stand for election again because nothing seems to happen because everyone has gone on holiday?" For me, this 22nd June date is an entirely unworkable issue. It is not against the principles. It is against that particular element of these principles. It does not work. You will have the media standing there saying: "We have a new Government. Where have they gone?" They are in the Costa Del Sol or somewhere else. I urge Members to really think hard about that because, in my view, it is entirely unworkable and that is the reality of the situation. We can theorise and we can say: "Well, does everyone have to go on holiday?" No, of course they do not but they will. That is just the reality of the situation. I want to register my disappointment with P.P.C. not taking this to Scrutiny. As good as their reasons for that may be, it is not good enough especially on the back of a level of opportunism that was there in November and December. Certainly, for me, that date just does not and cannot work.

3.1.6 Deputy R. Labey of St. Helier:

I was not going to speak in this part of the debate but I do to repeat the apology to Senator Moore that the chairman of P.P.C. gave on behalf of both of us in her speech. Yes, I have to accept also the criticism from Deputy Morel and I apologise. To Deputy Morel, we will be having a debate on the date because of Senator Gorst's statement so we will be able to debate the whys and wherefores of the change. I think at this stage I will point out that what we took into consideration when proposing a change to the date is we have to look to Article 3 of the first protocol to the E.C.H.R. (European Convention on Human Rights) given effect by the Humans Rights (Jersey) Law 2000 which states that: "The high contracting parties undertake to hold free elections at reasonable intervals by secret ballot under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature." We also take into consideration the Venice Commission's code of good practice in electoral matters June 2002 which says that with regard to frequency of elections, elections must be held at regular intervals at the Municipal Assembly's new office and must not exceed 5 years. We are well within the 5 years. It was the view of the law officers that we are entitled to change the date of the election by regulation. We can do that. At the moment, it has to be within 7 days of 16th May because that was the date of the last election so there is a 7-day leeway. If we want to keep it on a Wednesday, we move it to 18th May 2022. I did talk to the law officers about an autumn date. Senator Moore is absolutely right. It would have to be mid-October really, once recess is finished, when people are back off their holidays and then the nomination process can start in early September. If we want a 4 or 5-week election, it probably would be mid-October. Now I did float this with Members. We had many discussions and I think we talked about it in a Team's meeting in 2018 and 2019 and the overwhelming opinion was that most people preferred the light evenings that a spring or early summer election would benefit from rather than an October election where the evenings are getting darker earlier. That is a very important consideration for many Members. Of course, I had to have a discussion with law officers as to whether a move to October for 2022 was reasonable and with the amount of months, there was a question as to whether it was reasonable to extend the term from May to October. We decided it was not and any discussion for an autumn election would have to be taken now by the time we set the date for the next elections. That is what we will do. We will have that conversation and I am very happy to give that assurance that we will do that and properly consult this time with everybody on that for 2026. We were not sworn in until 1st June, we first sat on 4th June and it was the view of the law officers that it was perfectly reasonable. The law allows in the human rights legislation for us to move the election date to 22nd June. The catalyst for this was being on parade on Liberation Day, not wanting to be too visible because of being a candidate in an election and the sense that we were there in the public gaze and the gaze of the media in the middle of a campaign. I found it cringe-worthy and as I was walking into the Square for the liberation ceremony, I wondered how it must feel for candidates challenging me to see me there on parade in such a way on Liberation Day. It is a shame because you want to be able to enjoy Liberation Day. It is our national day. That was a prime catalyst for opening the debate on a change to the election. Also of course, with a May election generally, you will have the Easter

holidays in the middle of the election campaign and that is not wise and of course, as the chairman of P.P.C. mentioned, the fact that it is not great for people taking exams. I hope that is helpful and no doubt we will talk about this more specifically when Senator Gorst's amendment to the election day comes along.

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

After a very good opening speech by the chair of P.P.C. setting out the grounds of this historic debate or historic moment in the States' evolution, it has been disappointing that a sideshow is being setup outside the main event. Several Members have been criticising the P.P.C., on which I sit, in terms of consultation or a lack of it with Scrutiny over the impact of the different election dates. I think it is a sideshow because this is a historic opportunity for the States to stop being what is essentially - and I have said this in the past without being challenged - a gerrymandered parliament. We have a chance to stop that being the case today. To hear Members criticising P.P.C. and accusing P.P.C. of opportunism is really quite extraordinary. I have been a chair myself and I know that the current chair has a thick skin but the P.P.C. has struggled through the years to try to end the fact that some people have more power over Government in Jersey than others and it depends entirely on where they live. That is so wrong and it is quite extraordinary it is still happening in a western democracy in the 21st century. Instead, the first few Members to speak have by and large criticised P.P.C. around the detail of the proposed election day. Let us be clear. The chair said very clearly that P.P.C. will work with whatever date is set for the election so let us not spend a lot of time on this matter because P.P.C. will work with whatever is chosen. The reason the committee has come up with the preferred date was explained very well not only by Deputy Alves but by Deputy Young. Deputy Young in particular I think drew our attention to the fact that Liberation Day is the national day of the Island. Post pandemic, having effectively been denied the opportunity to commemorate and celebrate Liberation Day for 2 consecutive years, the Island will really want to commemorate it next year. I think the last thing they will want, and the last thing Members will want, is questions about self-interest and promotion ahead of an impending election and an election which is effectively already running. It will spoil that day and we do not want that. We do not want politics in Liberation Day next year and that is why the proposed date has been chosen. It gives us sufficient distance away from it and of course again, as the chair of P.P.C. explained, the expiry of the current term of office will neatly soak away into a nomination meeting and that will be sufficiently far away from Liberation Day to allow people to concentrate on the new election. I think the debate needs to focus on the principles that we are here to debate. We are here to make our Parliament work in a way that is fair to every elector of the Island no matter where they live. I am concerned but I would not perhaps go as far as call them "wrecking motions" but, as I say, there does seem to be some diversionary tactics being employed at the start of this debate. Those side issues, if you like, are going to be the subject of amendments. Let us deal with them then but let us use our opening speeches to mark the fact that we are really trying to ensure that every person in Jersey has the same power at the ballot box as their neighbours.

3.1.8 Deputy J.A. Martin:

I absolutely agree with everything Constable Crowcroft has just said. I did want to speak because I think a lot has been said and I agree with some of the speakers but not all. I think the principle of the principles is fantastic. It was delivered exceptionally well with a really good explanation by Deputy Alves. I do have a question and I do not need the Deputy to answer it but I am going to be asking her a more detailed question when we come to the nomination process. I give her a warning there that that Article I want clarified because of all the hoo-ha that went on last time and it was absolutely a good recommendation from the election of servers.

[11:00]

I like to give people warning if I am going to ask them maybe something they have not covered in their original speech so I put that there. I just do not really want to get into a political argument with Deputy Morel but the pandemic did one thing. You can be sure nobody will ever be on holiday again and we have Teams. I understand we cannot sit in the Assembly from the Costa del anywhere but we can do every other meeting and we do. I think for newer Members, they need a little bit longer. They have all said it to me: “It was sort of rabbit in the headlights. I need a bit more information.” Some people who have watched politics for years are not so surprised. You would hope that someone standing for the Assembly knows what goes on and they have listened to debates like I did. I have met Members who were elected and never listened to a States sitting in their life but, then again, we are where we are. I have told the chair of P.P.C. I am supporting everything she has put forward. I am not supporting any amendment and I absolutely agree with my Constable that this is where we should be going. We had the big debate last year. I probably should not have spoken but I just get annoyed when people put it out there that we have 10 week’s holiday. Really?

3.1.9 Senator J.A.N. Le Fondré:

Just briefly, and I may reserve other comments for other debates, but to pick up on the comments from the last 2 speakers, I was slightly, I suppose “disappointed” is the expression, at the comments that some Members were disappointed that the Council of Ministers was not consulted on the date. We have had some discussions. We do need to have some more discussions with P.P.C. on some of the mechanics going forward. We were asked about the issue of the Government Plan and I think the only comment I would make is that whatever the date will be next time around on whether it is May or June, there will be difficulties because it will be the first time that a Government Plan will have to be produced by the end of that year. If Members recall in 2018, taking the principle rather than the detail, the previous Medium Term Financial Plan extended into and to the end of 2019. We had to have transitional arrangements, *et cetera*. So, to an extent, our hands were relatively tied. The view we took as Council of Ministers, we made some observations around the mechanics, which P.P.C. have taken on board. The date will be the date. But we did not really feel it appropriate to challenge the date. From memory, the majority of the Council of Ministers supported the date that P.P.C. are proposing because of the issues that have been eloquently laid out, both by the chair of P.P.C., by Deputy Russell Labey and others, including the Connétable of St. Helier. For example, the conflicts with Liberation Day. Next year will be the 77th anniversary and is likely to be the first time that we will have been able to celebrate Liberation Day for the past 2 years. So there will be events I expect and I would have thought it was therefore appropriate for Members to be able to participate in them without fear of being seen to be electioneering. From that perspective, Deputy Russell Labey and the chair of P.P.C. have thought about it appropriately. Certainly, I will be supporting the date they have proposed. It is not without its difficulties, neither of the dates are without their difficulties, and it will be with a different set of challenges to those that we experienced in 2018. Government work does carry on at various points, including during the August period. That is all I am going to say on that matter. But we will have other debates around amendments and we will see how those pan out. But, in terms of the date, P.P.C. have considered it appropriately and I will be supporting that.

3.1.10 Senator S.Y. Mézec:

On this issue of the election date, those who have spoken in favour of moving it, Deputy Alves and the Constable of St. Helier in particular, have made an extremely good case. But, likewise, Senator Moore and Deputy Morel have raised some absolutely valid concerns that are worth discussing. But there is of course going to be an amendment on that very issue and that really ought to be the place for the substantive debate on that. I certainly pledge to respect whatever decision the Assembly makes at the end of that. What this part of the debate is, is on the principles, and so I wanted to try to bring it back to the bigger picture here. Partly I guess because I have spoken to just a handful of members of the public who were a little bit surprised this was coming back again after December.

Because they do not necessarily understand how the parliamentary workings go on for these sorts of things. So we are in a position where we are redebating something that we debated just a short while ago as well as a couple of amendments, which go completely against the decision that we made by a substantial majority. So I am hoping that this part of the debate at least can be about rubberstamping that decision we made in December. In the runup to this debate, I tried to remember what happened in that debate in December and how we arrived at such a conclusive result. How the momentum took us there. But most importantly that sense of pure euphoria I felt at the end of that debate, and which I hope other Members felt too and can perhaps draw upon for the remainder of this debate. Euphoria is the right way to feel because that debate, and hopefully this one too, comes after 20 years of undignified wrangling of election after election of poor voter turnout. A clear growing dissatisfaction among the public in our democratic process. Even the rejection of a referendum result. But finally we came together to take our democracy forward on terms that in December almost a super-majority of this Assembly felt able to get behind. What a feeling that inspired in me and hopefully others as well. Progress that we ought to be proud of and a real sense of excitement I hope we can feel for the future about a reinvigorated system and what that could deliver for our democracy. The reason we were able to do that was because those of us with a genuine desire for change, even when we did not completely agree with each other on what the perfect solution would be, were willing to listen to what the other side had to say to try to work together to focus on what we could unite around. Rather than digging our heels in the sand and holding entrenched positions, which ultimately would leave nobody happy at the end of it. I remember how I felt at the end of that and hope that we can feel it again at the end of this day and be able to say that we resolved this issue. That we provided the foundations for a better election next time around, which will engage more people and end 20 years of deadlock. That will hopefully, in the future, turn this into a non-issue where, because the fundamental issue of unfairness has been resolved, it no longer needs to constantly be raised. Instead we can focus on the business of governing the Island, tackling the big issues that people care about, which I believe will restore a lot of faith in politics. Let us not forget how much time and resources that would save as well. But of course there were some Members who did not share in the euphoria who voted against it last time. I get it. I have seen versions of electoral reform presented in the past, which have made me uncomfortable, and may well have put me in the against-change bloc. But I say to those Members who were against in December, do not be afraid of change. This change is a huge opportunity and it will be better to get on board to help positively determine where we move together, rather than being an obstacle and end up risking being side-lined. I went back and looked at the Hansard from December to remind myself of what those principal objections were. One that I think ought to be treated most seriously is the charge that this proposal would somehow damage the Parish system. It is sad that some have that impression of this proposal because nothing could be further from the truth. This proposal is specifically put together to take into account those concerns that were expressed the first time around about the Parish link and try to match those people up with those who are concerned about the unfairness in our current system and show that the 2 principles do not have to be opposed to one another. I was really pleased in that last debate that several Constables understood this and spoke very powerfully in support and outlined what they thought needed to be done on top of this to help take our Parish system forward. It feels like there are a newer generation of Constables who have the will to make this happen and do not want the current electoral system to be responsible for maintaining unfairness in our voting system and holding back progress. All in the name of essentially retaining 7 out of 12 Parishes having a sole Parish Deputy and a Senatorial election process to distract from that Deputy being held to account on Island-wide issues, which they should be. That issue is resolved by this legislation. The Parish system will not just survive, but it will thrive as long as there are people in the system who are willing to make that happen. People who understand that it has to look to the future, be prepared to move with the times, and be open to respond to the issues that matter to their parishioners. That system will always be relevant so long as they do that. So I ask Members in this debate to accept the principles that we accepted by an almost super-majority in December, to get behind this, to make it work. To, I hope, offer the public

the opportunity to take part in an election, whatever day it ends up being on, and we will get to that point. But to offer for them to take part in an election where their vote will be worth an equal amount, where we will have a robust discussion about the future of the Island, and the population of Jersey will get what it deserves in the outcome of that election. I hope we will stop a further deadlock from occurring, which is what will happen if this proposition is rejected or if the amendments from Senator Gorst and Senator Farnham are accepted. Where we will simply end up going back to the drawing board. We have been back to the drawing board countless times before with no guarantee that it is just the next attempt that will finally be the one. That clearly has never been the case before and would certainly not be guaranteed to be the case this time. Now is the time. We have an excellent proposition in front of us that takes us so much further forward in delivering voter equity, which is at really the heart of democracy, while also maintaining that Parish link that is considered so important to many Islanders. Finding a unique Jersey balance there. Not having us as an outlier among all of the other jurisdictions we often compare ourselves to in the international community as being a jurisdiction that has a broken voting system, which is unfair and undemocratic. We will be able to say, no, we have a fair system. It does not look like what any other jurisdiction has, it has not been imposed upon us by anything. We chose it ourselves based on our own tradition and history and a desire for a fairer electoral system. So I ask Members to draw upon that sense of euphoria that many of us felt in December, to endorse the principles of this legislation. We will have a good debate I am sure on the date of the election and may the best side win in that debate. Let us move forward and enhance our democracy and that is at the heart of what the principles of this legislation are all about. So I ask Members to support the principles.

3.1.11 The Connétable of St. Brelade:

I do object to comments of the P.P.C. chair referring to the propositions relating to electoral change. Most propositions are brought with good intent and the chair must understand that in a democracy all views must be considered and Members vote thereon. We all have various networks in our societies and receive differing views on matters before the Assembly. All representations to me have been in favour of retaining Senators and I shall in turn be supporting the amendments to achieve this. We have had Parish roadshows in our Parishes. They were not well supported and sadly P.P.C. have chosen to ignore these. We have seen them move from autumn to spring elections. My observation is that it has not been as great a success as was anticipated and that the election time needs a review with the benefit of our experience. I do, however, agree with the parameters proposed with regard to purdah and a dormant period, so would support any proposal to achieve a result that will overcome this in a fair and equitable manner.

[11:15]

I want to see more P.P.C. effort going into making it easier for people to vote. That is the area that is unnecessarily complicated, in my view, and needs bringing up to date using available technology. P.P.C. I believe have got themselves totally entrenched in the principles of voting weight and power. I would contend that this is simply not an issue that affects our Government in any way. I would ask that they may wish to demonstrate whether P.P.C. have any evidence of any member of the public in Jersey having been affected. My experience is that one receives representations from residents throughout the Island via emails, through the Greffe, through telephone calls and correspondence. One tries to respond or refer those to those who can give a better response. This would normally be a Minister or governmental department. There is no particular linkage to an electoral district. Ministers represent the whole Island. Scrutiny, through its various panels, represents the whole Island. So I do not consider the repeated P.P.C. argument to be valid in our situation. I believe that one should interpret the term “international best practice” according to the local situation. That was certainly my understanding when I attended a C.P.A. (Commonwealth Parliamentary Association) conference on the subject. I would urge P.P.C. to take a broader view, which is suitable for our situation in Jersey. I am supportive of change for the good but I am yet to be convinced that P.17

achieves this. I do not wish to repeat previous arguments at this point in the debate but it is important that I express my views on the principles because I do not agree with them as presented and will not be supporting them unamended.

3.1.12 Deputy R.J. Ward of St. Helier:

I would like to start by thanking Constable Crowcroft. We have not always agreed on things over this term but he was spot on in something he said in terms of, he referred to them as “side shows”, I would not quite call them that, in terms of the date of the election. That is something but it is separate and can be debated separately. I think there will be a genuine debate on that in terms of its pros and cons and I look forward to that debate. But we are talking about the principles that we voted for in P.139. We have been here. For many, this is a very surprising debate because, as I was speaking to people in my constituency, the question was: “I thought you had already voted for that.” I had to explain the system. There are many, particularly in St. Helier and districts around St. Helier, who feel that they are not represented equally in terms of their voting rights. So this is a real step forward. The positive feeling that came out of the vote from P.139, at a time where we were in a very difficult situation with COVID and a very difficult situation for this Assembly, I hope that Members remember that and they look back at that and think: “I am not going to change my approach over the principles now. I am not going to change my approach in the final vote and take a step backwards with the amendments. I will stick to what was said before so that we do not have to yet again go back to the electorate and say: ‘At the final hurdle we failed again.’” So I urge Members to support the principles and to support them as they voted for in P.139 without the amendments. I look forward to the debate on the minutiae and the detail of the electoral date. As P.P.C. have said, they can accommodate whatever date we vote for, so that is a separate issue.

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

I am just basically saying that I support the principles that have been put forward. I support the changes that are being put forward by P.P.C. I may not speak in each of the individual debates because in one sense we are regurgitating things that I have heard over the last 13 years in this Assembly. I know there are entrenched views. I hope that Members will refrain from going over old ground, as we have done. The comment that I will make, however, is that when I first came into the States over 13 years ago, former Deputy Roy Le Hérissier said to me 2 things that have stuck in my mind, he said (1) you will be frustrated and (2) you will have no real friends. I can attest to the first. I have been frustrated with repeated States Assemblies for the number of times we have debated these issues and heard the same arguments. The same goes for other topics. Rather than grasping the nettle and doing things, we repeatedly go around in circles. This particular debate I thought last year, at the end, we had finally got somewhere. I remember in that debate I was opposed to the proposals that had been put forward by P.P.C. at that time. I was really digging my heels in. I can remember being told we were expected or being asked to make a compromise. On that particular occasion, I did compromise and I voted in the end to support something that I was not 100 per cent sure of. I was really pleased, by the way, that we had made progress. For the first time in 13 years we had made progress on this issue. My feelings at the moment are one of despair. Because we are going to go back again. Part of my reasoning why we are going back on this again is some Members, the Senators in particular, have suddenly realised it is a totally different ballgame for them and that they are going to have to stand for election in districts. Then they have looked at who is in those districts and they think: “I may not be successful this time.” In the same way a number of Deputies, who have never faced election before, are now thinking: “In the bigger districts I am going to face opposition.” That is democracy. By trying to put the clock back to try to retain the existing system, all we are doing is retaining the existing faults in the States. I wonder if we will ever, ever be able to deal with the problems in this Island when we have a States that cannot make the decisions and Members are looking at their own electoral prospects rather than the interests of the Island. So I will stick to what I agreed last year when I compromised and went along with this new system. I hope

other Members will also, in the spirit of the compromises we have made, and to try to make progress, will do so also. With that I will stop.

The Bailiff:

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

3.1.14 Deputy C.S. Alves:

I would just like to thank all Members for their contributions. A lot of the things that were brought up I will address in more detail in the amendments. I did want to start off by thanking Deputy Labey, Constable Crowcroft, Deputy Martin, Senator Mézec and Deputy Ward, who addressed a lot of the points that have already been raised. I wanted to start off with Deputy Young and Deputy Martin, who mentioned nominations. The nominations process and detail will be coming in the second tranche of amendments and legislation that we will bring forward. There is still time to do that. So there will be discussions with the Assembly and with Members prior to lodging these. So I hope that answers your queries. With regard to people mentioning that I had said that there were wrecking motions, I just want to make it clear that was not my intention. I completely respect and agree that we do need to hear all views. However, it was just really to reiterate the point that we did debate this quite extensively in December. I also wanted to address the statement that was made about this having been opportunist. This was something that was lodged for 6 weeks. It was something that we had also debated in 2020 with P.126. The original proposition was lodged in October, so Members did have 6 weeks to lodge amendments and several amendments were lodged. We then debated it for 3 days. It was not my intention to come across as if I was saying that what has happened with the amendments for today's debate were wrecking motions, I just wanted to reiterate that a lot of these things that are in the amendments that we will debate today had already been covered during that debate. A couple of Members mentioned the Parish roadshows. Those Parish roadshows were for the previous proposal, which took the Constables out. This is why we listened to what was said in those roadshows and came back with the proposition that we debated in December. I also want to raise the point that, I think it was Senator Farnham who mentioned that his family and friends have never been confused by our system, which I understand. However, they are not representative of the whole population. We did a massive body of work in P.P.C. where we hired 4insight and the results from the focus groups and the surveys that we did was also included with our proposition in December. Also, all you have to do is look at our voter turnout, 34 per cent. It was ComRes, they completed some market research in 2019 as well, and they said that 60 per cent of the population found it difficult to understand the system. So that just proves that it is not as easy as certain Members might think. To clarify, there will be separate votes, obviously because of the Articles, this is the principles that we are debating, so I do hope that Members will be supportive of that so that we can have the debate on the amendments. I also wanted to address the points that were made regarding there not being consultation with Scrutiny. I agree with Senator Moore that, you are right, there should have been greater consideration. I am not sure if it was due to the echo, but I did state in my speech that we were not expecting to bring the election day with this body of work that we are bringing forward today. But, because of the advice that we then got, we had to bring it forward. So it was premature and I do apologise again for that. The Chief Minister is absolutely correct. The third amendment that P.P.C. has brought forward in relation to dealing with the timings with the C.S.P. (Common Strategic Policy) and the Government Plan, these will have to be changed regardless of the election date. So there will be a vote separately on that as well. Whether the Assembly chooses to keep the election date in May, we will still have to have a debate on that amendment and a vote. So I hope that I have dealt with everybody's queries. Obviously, what we achieved in December was a compromise and so we recognise that compromise is key and, as I stated in my main speech, we will go with whatever the Assembly decides with regard to the date and everything else. I just would

like to hope, and I urge Members that they will support these principles. That we can have the debate on the details in these amendments. So I maintain the principles and call for the *appel* please.

The Bailiff:

I will ask the Greffier to place a link into the chat. The vote is on the principles of P.17. I open the voting and ask Members to vote in the normal way.

[11:30]

Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. While the machine is processing, I express the gratitude of the Assembly to the Connétable of St. Mary for his contribution to the fund. The fine applies in the normal way. The principles have been adopted:

| POUR: 33 | | CONTRE: 9 | | ABSTAIN: 0 |
|----------------------------|--|----------------------------|--|-------------------|
| Senator I.J. Gorst | | Connétable of St. Lawrence | | |
| Senator L.J. Farnham | | Connétable of St. Saviour | | |
| Senator T.A. Vallois | | Connétable of St. Brelade | | |
| Senator K.L. Moore | | Connétable of Grouville | | |
| Senator S.W. Pallett | | Connétable of Trinity | | |
| Senator S.Y. Mézec | | Connétable of St. Mary | | |
| Connétable of St. Helier | | Deputy of St. Mary | | |
| Connétable of St. Peter | | Deputy G.C.U. Guida (L) | | |
| Connétable of St. Ouen | | Deputy of Trinity | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Deputy J.A. Martin (H) | | | | |
| Deputy G.P. Southern (H) | | | | |
| Deputy of Grouville | | | | |
| Deputy K.C. Lewis (S) | | | | |
| Deputy M.R. Higgins (H) | | | | |
| Deputy S.J. Pinel (C) | | | | |
| Deputy of St. Martin | | | | |
| Deputy of St. Ouen | | | | |
| Deputy L.M.C. Doublet (S) | | | | |
| Deputy R. Labey (H) | | | | |
| Deputy S.M. Wickenden (H) | | | | |
| Deputy G.J. Truscott (B) | | | | |
| Deputy J.H. Young (B) | | | | |
| Deputy L.B.E. Ash (C) | | | | |
| Deputy K.F. Morel (L) | | | | |
| Deputy of St. John | | | | |
| Deputy M.R. Le Hegarat (H) | | | | |
| Deputy S.M. Ahier (H) | | | | |
| Deputy R.J. Ward (H) | | | | |
| Deputy C.S. Alves (H) | | | | |

| | | | | |
|-------------------------|--|--|--|--|
| Deputy K.G. Pamplin (S) | | | | |
| Deputy I. Gardiner (H) | | | | |

The Deputy Greffier of the States:

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

The Bailiff:

Does the Corporate Service Scrutiny Panel wish to scrutinise the matter, Senator Moore?

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, thank you.

The Bailiff:

We move now to Second Reading. There are a number of amendments, Deputy Alves. Do you accept any of them?

Deputy C.S. Alves:

No, thank you.

The Bailiff:

Then do you propose Article 1?

3.2 Deputy C.S. Alves:

Yes. Article 1 removes the reference to the 8 Senators and provides for the number of Deputies to be increased from 29 to 37. This amendment comes into force on the day that will be fixed by law for the next ordinary election. Article 1 also substitutes Schedule 1 to the 2005 law, replacing the current list of Deputies’ constituencies and specifying the number of Deputies to be elected in respect of each constituency. This implemented the decision made by this Assembly in December and I ask Members to maintain that decision. I propose the Article.

The Bailiff:

Is Article 1 seconded? **[Seconded]**

3.3 Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021): Second Amendment (P.17/2021 Amd.(2))

The Bailiff:

There is an amendment lodged by Senator Gorst. Could I ask the Greffier to read that amendment?

The Deputy Greffier of the States:

Page 15, Article 1. For Article 1(2) substitute “(2) In Article 2(1) (constitution of the States) for “29 Deputies” there is substituted “28 Deputies.” Page 15, Part 2. In the heading to Part 2, after “ELECTION OF” insert “SENATORS AND”.

The Bailiff:

Would Members object to taking this as read? It is a very significant document. Senator Gorst, are you content that we take this as read?

3.3.1 Senator I.J. Gorst:

Indeed I am, yes. The question that the Assembly is facing today, and it is fair to say that it has faced this question on a number of previous occasions, is one of compromise. We have heard a number of Members, and indeed the chair in her moving of the principles, said that for her, I assume she was speaking on behalf of P.P.C. as well, what had been proposed was a compromise. That is of course a fair representation because there are Members of the Assembly who, without a doubt, would like to follow either the Clothier recommendation and have one category of Member, or follow up from the electoral observers and simplify our system to have one category of Member. I have little doubt that for those Members who see what P.P.C. have brought forward as a compromise, they would like to see the office of Deputy being that single office where simplicity is at the heart of our system. The chair also said, and one of the issues with this debate is there is a lot of agreement, it is where we draw the line of compromise. Because the chair said in her opening remarks that she and P.P.C., and she is absolutely right to say this, wants the simplest system and the best system for voters. We know that electoral turnout in Jersey is woefully low. We all wish to see greater engagement in our Island's political process. Because we see throughout the pandemic year that Governments and Parliaments make life-changing decisions. Therefore, we do want to see as many Islanders as possible involved in that process. No doubt we will come back and talk in due course about the referendum and other matters as well. There is a school of thought that says that once one has made the principal decision, which was made and supported with over 30 votes in December, and I supported that vote, because I do believe that there needs to be some change to our electoral system. But once one has made that principal vote, one should stop making the argument. Yet all Members know that in reality, if one feels something strongly, if one has been consulted by the electorate and lobbied by the electorate, it is important to continue to make that argument. Whether this amendment and Senator Farnham's amendment stand or fall today, I do think it has been the right thing to have this debate and to have this conversation in our community. Because there has been more involvement and I have been approached by more Islanders on this matter than I have on a number of them. You know that when you are as long in the tooth as I am, it is not very often that you get Islanders telling you that they agree with what you are doing. Often making difficult decisions it can be the other way around. But it is right that, as we are debating the legislation to change our electoral system, Members should have the opportunity to firmly either vote to retain the Senators, because that is where their compromise lies, or vote to remove them. This is the piece of legislation that, dependent on the decisions that we make today, that will be the implication. We have seen, and again the chair said in her opening comments, that people in Jersey care about their representation in this Assembly. I would make the case that Islanders care about retaining the Senators. So this is not, as some have suggested, a smash and grab or a wrecking amendment, and I am grateful that nobody today in the Assembly has made that accusation. It is right that we, as the democratically elected Parliament, the States Assembly, make these decisions on behalf of Islanders with their interests at heart and what is best for voters. So I think that it is a majority view, within our community, that Islanders wish to keep the Senators. I do not just base that on the contact that I have had over the last number of days. But if we go back and look at some of the work that has been undertaken over the years, I remember being on a P.P.C. with the then Constable of St. Clement when I was a very green Deputy of St. Clement and we undertook there an Ipsos MORI poll in 2006. That showed that there was a majority of support for keeping the Senators. Even in 2012, the Electoral Commission found that the majority favoured keeping the Senators. But we will come back to why the referendum was held in the way that it was. Then in 2017 the Scrutiny Panel, I think it was chaired by the now Chief Minister, undertook again an Ipsos MORI poll and it showed support for the Senators.

[11:45]

So it is right that we are having this debate today. For me, the case for retaining the Senators is a clear one. It has been said over the past few weeks, and I do not think it has ever stopped being true, that the Senators are the fairest and most equitable way of electing Members to this Assembly. In fact, I do not think in any of the discourse throughout these days and throughout the years that we have considered these matters, has that been doubted or has that been argued against. Eight votes, which every single elector is able to cast equally, for 8 seats. You cannot get any more equal than that. The Senatorial elections also of course give voters a greater say over the makeup of their Assembly. That is undeniable as well. If we were to proceed with this reform without the Senators, the ability of every voter in Jersey to shape the makeup of our Assembly, of their States Assembly, of Jersey's Parliament, will be reduced. In turn, Islanders' ability to determine who might hold the role of Chief Minister and other senior roles in Government and Scrutiny are also diminished. I cannot believe that is good for democracy. So it is quite clear to me, and I have fought now a number of Senatorial elections, the electorate have spoken clearly. Sometimes I have liked what they have said about me in the way that they have positioned me in that poll. Other times it has been more difficult. But I have had to accept, and it is right in a democracy that those who are elected to the States Assembly are democratically accountable to the public. I, for one, think that those who hold the very highest office in our Government should be accountable to the entire Island. The Senatorial election also of course allows Islanders to come together every 4 years and collectively discuss matters that are of interest to all members of our community, not just our issues or district issues. This is important because, if we look to our sister island, one of the reasons presented to move from the district system that P.P.C. are now simply saying that we should move to, was that those districts and the politicians in those districts became too focused simply on parochial issues rather than Island-wide issue. It is one of the reasons why they made the change to the all Island-wide mandate. Because the issues that face us as a community are not going away. They are difficult. We find it difficult as a Government and as an Assembly to sometimes bring forward meaningful change. But they must be focused on, particularly as we hope to come out of this pandemic period, we will have to pull together right across our community to deliver and secure jobs and a prosperous future for all Islanders. A decision to remove the Senators risks our collective consideration of these issues and risks reducing the voice of the electorate in shaping our response to them. Of course that is possible in some parts of the Island more than others. The principles of this electoral reform, which I support, are to boost public engagement in politics, increase voter turnout, and achieve greater equity. I do not think any Member today can disagree with those objectives. But, if we step back for a moment, they all point to keeping the Senators. Senatorial elections boost engagement. They are traditionally more popular among the electorate. Recently, certainly as popular as any other election. They are the pinnacle of equity. Again, if we look at our sister island, we saw that their electoral turnout went up and, goodness me, what would we not give to have the electoral turnout they had under their district system? But it went up when they moved from a district system, which we are proposing to go to, to the all Island-wide system. So I do not see how we can make the argument that, by removing the office of Senator, we will increase voter turnout. If we are talking about complexity and how difficult our system is to understand, perhaps importantly the office of Senator is the easiest political office to understand. So it does not seem logical in any effort to simplify the system that we should remove Senators. Because the simplest, easiest to understand, is the office that we would be removing. So we would remove the most straightforward, the simplest office to understand, in order to make the overall system less complex. The more I have thought about that, because, like others, as we heard during the principles debate, I have changed my mind. It seems to me illogical that we take the simplest, most-democratic office, out of our constitutional makeup in order to make the rest of the system seem more simple and increase the voter equity. Of course, it is not my job today to set out what I believe to be the case against the Senators. That is for others to do and P.P.C. have done so in their comments. I know other Members will do so. But I have come to the conclusion

that it is not an especially strong case. Because arguing that we should not have 3 types of Members because it is complicated is not a case against the Senators. Arguing about the nature of hustings meetings, the length of the ballot papers and the number of manifestos is not a case against the Senators. Arguing about a single election day is not a case against the Senators. So one of the reasons that I have previously accepted that we could remove the Senators and why I have changed my mind is because I had always accepted the argument that you could not run an all-Island-wide system and therefore you had to try to recreate that in a district system. So I know we do not like looking to Guernsey, and I least of all like looking to Guernsey. But they have, in their process of their last election, where many of us thought that it would fail, fundamentally undermined all of the arguments that have been put forward for why we should remove the office of Senator. So, for me, and I know this will not be every Member who I hope votes in favour of retaining the Senatorial office, for me the balance of compromise today is maintaining the Senatorial office, having large district Deputorial seats, maintaining the office of Constable, and going to the election in 2022. We will come back and we will talk about the election day and that is the right thing to do. But it is a second issue; it is not this issue. For me, that is where the balance of the compromise should be. Not taking that extra step to remove the office of Senator. This amendment upholds democracy in our Island, maintains the influence of the electorate to shape the character of our States Assembly, and by implication our Government and our Scrutiny function. It has kept the balance and stability of our Assembly. That has served us well since 1948. We do not have to be like everyone else all around us. It maintains the most democratic political office. It is, without doubt, the easiest office for the electorate to understand. That is why I bring forward my amendment today. I ask Members to very, very carefully consider where for them the balance of compromise sits, while meeting all of those aims and whether today is the day that they are going to vote to remove the office of Senator from Jersey's electoral system.

The Bailiff:

Is the second amendment seconded? **[Seconded]** I have not noted anyone saying they wish to speak because it seems to me we now have to look at the amendment to the second amendment and then people will indicate what they want to speak on and we will deal with it in that way, in an ordered way. Deputy Young, clearly we are at this point debating the second amendment and we will come back to debating it after Senator Farnham's amendment to that second amendment has been dealt with. It deals with all of the things contained within the second amendment and therefore any Articles affected by it. If the second amendment were, for example, to be adopted by the Assembly, then Articles 1, 2 and 3, of the main proposition would have to be moved by the chair of P.P.C. as amended. But the Assembly will have decided to accept those amendments. I am not sure if that is any clearer. It is difficult to be clearer than is contained within the draft running order that has been prepared. But if any issues come up again I will do my best to address them.

**3.4 Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021):
Second Amendment (P.17/2021 Amd.(2)) - amendment (P.17/2021 Amd.(2).Amd)**

The Bailiff:

There is an amendment lodged by Senator Farnham to this amendment and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 3, amendment 1. In Amendment 1, in the substituted paragraph, for "28" substitute "31". Page 4, Amendment 6. In Amendment 6, delete paragraphs (c), (h) and (i). Page 6, Amendment 22. In Amendment 22, for "28" substitute "31".

[12:00]

3.4.1 Senator L.J. Farnham:

This amendment seeks to fully support Senator Gorst's amendment to retain the Island-wide mandate. While at the same time just changing the makeup of some of the districts where they could be a little underrepresented by removing one Deputy from each of them, as suggested in Senator Gorst's amendment. My amendment to that amendment asks that one Deputy is added to District 3, St. Helier North, one Deputy is added to District 8, which is St. John, St. Lawrence and Trinity, and one Deputy added to District 9, which is Grouville and St. Martin. I have included a table as part of the report in my amendment, which emulates the table that was used in the debate in December. So it follows on that example but just shows the variance from average in relation to the 9 districts. No doubt some Members will try to challenge that in relation to the Constables, but I maintain that the Constables are elected by Parish and we know the equity is vastly different as we have one Constable representing St. Helier and one Constable representing St. Mary, so the difference between that is substantial. So whenever you add that to any equation it throws it out. Of course adding Senators makes absolutely no difference because they are voted by the whole Island. I do not need to go on any further. The amendment is fairly straightforward and I am pleased to propose it.

The Bailiff:

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

3.4.2 Senator S.Y. Mézec:

I want to start by commending Senator Farnham because he is consistent. There can be no doubt about that. He wants to keep the Senators and every time he has an opportunity to bring an amendment to shoehorn them in, in some fashion, he takes the opportunity. So I commend him for his consistency. I would also like to castigate him for his consistency because every time he does this he ends up coming up with a proposal that simply does not make sense. That is what this proposal is. Considering it, not as an amendment to this proposition but as a departure from the status quo that we have in our current system, this undoubtedly makes things worse. It increases the number of politicians in Jersey. Good luck squaring that with your constituents. Most people in the Island would shriek in horror at the idea of more politicians. It is simply not necessary in our system. He has his numbers completely wrong when it comes to voter equity. If you look at the distribution of Deputies, which he is suggesting, he is short-changing St. Saviour. St. Saviour is the one Parish that is represented almost perfectly in terms of the number of representatives it has under the current system. It now goes to being under-represented. St. Clement is under-represented in the current system. With an increase in Members it becomes even more under-represented. St. Helier, true, it gains one representative, but with the increase in Members still leaves St. Helier vastly under-represented and distributing further representatives to the country Parishes while the Constables remain in the States has an extremely distorting effect, which puts Jersey into a position where we cannot claim we have made any progress on the issue of fairness. So the onus has to be on Senator Farnham to explain just why on earth what he is proposing is an advancement on the current system. Because it is extremely difficult to see how maintaining 3 tiers in the Assembly, which will not make the system simpler, in fact arguably it makes the system more complicated because of changing districts, to have the distribution of Deputy seats be done in a way that is out of line with population and therefore not addressing the fundamental issue of unfairness. How can he possibly call this a step forward? Does he not understand that those of us who care about fairness in the system are not going to be shut up by this? We are going to keep arguing and saying this is not fair on large numbers of the people of Jersey, his constituents as an elected Senator, who live in parts of the Island where the power of their vote is diminished. Because they do not have the level of representation that is universally recognised in every democracy to be based on having a relatively equal number of voters in those districts. Senator Farnham cannot be criticised for his consistency in wanting to keep the Senators; absolutely right. But, if he wants to do that, he should maintain the position that he held in the December debate, which is to just vote against all of this. Nobody will be able to criticise him

and say he has not acted according to his conscience because it will clearly be the case that he has done so. But if he wants to advance an argument for change he needs to advance a much better argument than what he has come up with here, which is worse voter equity than the current system, no progress on simplicity, and increasing the number of politicians in an Island that does not need it. I urge Members to reject this amendment.

The Bailiff:

Thank you very much, Senator. Could I just mention to Members in the Chamber that any communication requesting to speak or raising any points need to be made through the chat so that they are visible to all Members. I have noted however, Connétable of St. Mary, you wish to speak. I have listed you to speak after the Connétable of St. Martin and before Deputy Gardiner. Because that is when I noted it. But, in future, if Members could indicate in the chat whether they wish to raise any points or speak so that all other participating Members can be aware of it.

3.4.3 Deputy R. Labey:

I will speak to both amendments. The fundamental claim in Senator Gorst's amendment is that the office of Senator is the most democratic of all the elected offices in Jersey, therefore it is perverse for it to be lost. This is untrue. Senators are not more democratic. Having democratic Senators is not worth much if the democratic costs of accommodating them are too great. The central case against reintroducing the role of Senator is what it does to the electoral system as a whole. Senator Gorst's case for the Senators refuses to acknowledge the central reason for reform. The current system is broken, it has failed. The fact that it has been in place since 1948 is precisely the point. We have kept the same system and, unsurprisingly, we have therefore kept the same problems. Making a small tweak to the Deputy elections is not a significant reform. It barely shifts the dial as far as most voters are concerned. In St. Brelade, for example, instead of voting for 3 Deputies across 2 electoral districts, as at present, Senator Gorst's proposal would see 3 Deputies in one electoral district plus the Senators. Most voters will barely recognise the difference. We need change, not a tweak. If P.P.C. had brought as a proposition what Senator Gorst wants us to end up with today, we would have been laughed out of course. It is a Jersey fudge. He argues that the election of Senators is the fairest and most equal way of electing Members of the States. The office is simply unchallengeable, he says on that point. He is wrong. What he means is that there is no malapportionment with an Island-wide mandate. Correct. But meaningless when it comes to judging fairness and equality. Fairness is not only measured by malapportionment. There are plenty of ways in which the Senatorial election could be considered less fair or less equal. For example, the barrier to entry in the Senatorial election is high. It costs a lot more to launch a campaign with a chance of success, especially if you do not have a profile, i.e. you are not a sitting Member. This is a deterrent to stand. Deputy elections have lower spending limits and therefore are more accessible. A key consideration when measuring democracy. On this measure, Deputy elections are fairer. But much worse than that is the effect the Senators have on the rest of the Assembly. You cannot consider the Senators' alleged fairness without considering the whole system. This amendment is presented as if it is a minor add-on to the decision taken before Christmas. The best of both worlds. The new larger districts and the Senators as well. I quote Senator Gorst: "Without impacting on the fundamental principles of what is achieved through this electoral reform." This is nonsense. The price of reintroducing the Senators is to effectively sabotage the P.P.C. reforms. It does undermine their fundamental principles. Arbitrarily lopping a Deputy off each district results in unfairness. Just look at St. Saviour, which is diminished by both this amendment and the amendment to the amendment. Look at Grouville. Look at the old St. Helier 3 and 4. It returns us to an unnecessarily complex system. Correcting these issues was the whole point of P.P.C.'s reforms. This is what you get when one approaches electoral reform from one's own particular perspective. Senator Gorst has botched it. Now we have Senator Farnham as Tonto riding to the rescue of beleaguered Lone Ranger with 3 extra seats in his saddlebags to partially correct the unfairness. The trouble is, we now suddenly increase the total number of States Members.

Something that was tried and failed in December and for which there is absolutely no popular support in the Island at all. This is the price of trying to save the Senators, distortion everywhere. It is not a coherent, thought-through proposal. Mr. Gorst dismisses the complexity of the current system by arguing that we have had it since 1948. He refuses to acknowledge the disastrous level of voter engagement that we have today. It is a head-in-the-sand, everything is basically fine, just make a small tweak, argument. Ignoring the fact that our system is ruinously broken. Over and over again we have been told the public finds it complex. Complexity is exclusionary. It must end if our central goal is to increase voter participation. Another way in which reintroducing the Senators sabotages P.P.C.'s reforms is the idea that the Senators' election is the appropriate forum in which to discuss Island-wide issues and provides an elite of just 8 Members who are the qualified ones to discuss the big issues of the day. I have participated in and watched Deputies' elections, Deputies' hustings, at the last election and the one before where every single question from the floor has been on an Island-wide issue. You get a lot more questions at a Deputy hustings and they come around quick, proper scrutiny. The Senatorial election is a forum for the consideration of Island-wide issues but the truth is it is not an effective forum. Because 8 Senators are elected together, it is difficult to scrutinise their policies. Hustings can involve up to 20 candidates and are widely seen, even by the participants, as a joke. In an evening meeting, you can have a maximum of 3 questions and 20 2-minute answers to them. It is excruciating. What is more, few voters will scrutinise the policies of all 20 candidates. The Senator is claiming superiority with Senators over other States Members. But this elite position is a fiction. It has no basis in any rule or law. Once elected, all States Members have the same votes, rights and privileges. All Mr. Gorst is talking about is recent convention, such as the convention that the Chief Minister is a Senator. These are flimsy foundations on which to build an entire electoral system. There are many circumstances in which these conventions are likely to collapse. Take, for example, the rise of political parties. Imagine a situation where a political party wins the largest number of seats but its leader is a Deputy. They would no doubt nominate that Deputy as the next Chief Minister. The other big claim that having the Senators in the States increases the total number of votes that a voter is able to cast and that this is more democratic, well it is certainly true that the Senatorial election means there are more votes to be cast by individual voters. But, once again, there is no basis for describing this as an improvement in democracy. It is a myth. The issue is that the Senatorial vote is highly diluted. You get 8 votes, but so does everyone else in the Island. Therefore, your vote has proportionately less significance than in a smaller constituency where there are fewer people voting for their candidates. Look at it this way, currently 8 Senators are spread between 106,000 people. That is around one candidate for every 30,000. In a Deputy district, under the P.P.C. proposals, by contract there is about one candidate for every 3,000 people. Having a tiny say in electing a large number of representatives is no more democratic than having a larger say in electing a smaller number of representatives.

[12:15]

The real irony to which Senator Gorst refers is his proposals will reduce the greater fairness in our electoral system, which P.P.C.'s proposals represent. Here is another thing, Senators also have historically made up a large proportion of the senior roles in Government. Not at the moment they do not. The saddest element to this is that, in performing his U-turn, Senator Gorst has joined the ranks of the Trumpian referendum result deniers. This is what he said in the December debate: "I supported option B and option B, whether we like it or not, won that referendum. Every time one talks about election reform and talks of either the need for the status quo or the need for change, quite rightly members of the public turn around and say: 'We voted in the referendum'". He went on to say: "There is a fundamental belief that when you have asked the public a question and you have had their answer, you must enact it." So who are we to believe? Are we to believe the Senator Gorst of December or the Senator Gorst of April? It really does not matter because the facts are these, given a choice between large electoral districts and keeping the Senators, the public chose large electoral districts, 80 per cent to 20 per cent. Given the choice between no change or big change, they chose

big change. We know they also want simplicity. Yes, there is some passionate support for the Senators. But we also know that is a minority support. To date, the Save the Senators e-petition launched in December has attracted a total of 144 signatures. Where do these Senators, Farnham and Gorst, get the idea that the majority of the population want their retention? That is not borne out by the research that we have done. That is not borne out by the focus groups. That is not borne out by the referendum result, which is the best thing we have to gauge public opinion at the moment. It is a myth. By the way, there was no clamour for retention of the Senators in the election road shows. There was in the country Parishes a very evident clamour for the retention of the Constables. Think back to the aftermath of that December debate. It was a stunning result. It stunned some people into silence. We were turncoats no longer, we put self-interest aside and voted for the good of the Island. The Assembly gains some much welcome respect after that decision in December. It gave people hope and faith. Are we going to throw that all away 4 months later? What will the Island make of that? The Assembly is being taken for fools by this amendment and foolish we will look if either of these amendments go through. I urge Members to vote against the amendment to the amendment and vote against the amendment itself. As Senator Gorst once said himself on the floor of the Assembly, in one of these debates, it is time to say farewell to the Senators. This is described as a last ditch to save the Senators and a ditch is where this amendment and the amendment to the amendment belongs. Do we not want a clean bill of health for our democracy and for our reputation? Please reject these amendments.

The Bailiff:

Thank you very much, Deputy. I did not want to interrupt you in full flow but on 2 occasions you referred to Senator Gorst as Mr. Gorst. It is important to maintain the appropriate titles and description of Members provided for within Standing Orders.

Deputy R. Labey:

My apologies, Sir.

The Bailiff:

As I say, I did not want to interrupt the flow of your contribution.

3.4.4 Deputy C.S. Alves:

I am just going to talk on this particular amendment, to Senator Farnham's amendment, I will talk again when we come to debating whether it will be amended or not, Senator Gorst's amendment. Senator Farnham's amendment recognises the negative impact on voter equity which Senator Gorst's second amendment would have on P.P.C.'s proposals, if adopted by this Assembly and he seeks to remedy it. In order to do this, Senator Farnham's amendment to the second amendment seeks to increase the membership of the Assembly by 3 through the addition of extra Deputies in 3 of the proposed districts, as well as the retention of Senators. The public are not supportive of an increase in our numbers. In December 2020 Deputy Maçon of St. Saviour brought an amendment to P.139, which advocated 52 Deputies across 9 districts. This was rejected 29 votes to 17, despite the fact that it achieved the closest to perfect equity and equality of any reform proposal to date. If the Assembly really wanted to increase its membership and create a far fairer system, then it should have adopted that amendment rather than considering this version which leaves some districts with disparities in their representation. The Assembly will see a reduction in representation for those living in areas which are currently overrepresented, which will result in them becoming underrepresented. For example, the districts of St. Mary, St. Ouen and St. Peter and the district of St. Brelade will become 15 per cent and 12 per cent respectively underrepresented if this amendment is adopted compared to 3 per cent and 0 per cent under the P.P.C. proposals. I therefore urge Members not to support this amendment.

3.4.5 Connétable K. Shenton-Stone of St. Martin:

I will speak to Senator Farnham's amendment now and Senator Gorst's amendment later. As pleased as I am that Senator Farnham is proposing to grant St. Martin and Grouville an extra Deputy, it is impossible for me to vote in favour of this amendment. Having already agreed the size of the districts I believe that we should step away from the questions of districts and the number of representatives we propose they should have. As part of P.139/2020 we agreed to establish an independent Boundaries Commission to ensure that the districts remain compliant with the principles cited in paragraph (a). This is the body that should be responsible for recommending changes to the districts and the numbers of Deputies elected. The legislation to establish this body is not yet with the Assembly. If the Senator were indeed concerned about the equity of the next Assembly he always can bring a request to establish the commission before 2022. Indeed we have just had the 2021 Island-wide census. This will provide us with the best possible population data for a decade, which will tell us almost exactly how many people there are in the Island and in tandem in each district. We should not make changes to the composition until we have the best possible information. This information is being processed as we speak. If we are concerned about the new districts, we request that the census is used to check for the size of the districts and the number of Members be returned, and have it independently confirmed whether they are satisfactory. I wish to recommend that Members of this Assembly should not, on principle, seek to further alter the number of Deputies in this Assembly without strong reasoning from independent, reliable sources. The Senator has not provided this. If there is indeed a deficit in St. Martin and Grouville it is essential that the commission addresses this but it is not for me to decide. It is only good practice that we allow the debate on this subject to transfer to this commission otherwise we risk realigning this Assembly as we please without sustained evidence. I would urge Members to reject this proposition.

3.4.6 Connétable J. Le Bailly of St. Mary:

I was elected to be the voice of my electorate in the Parish of St. Mary. I try my best to do that whenever the occasion requires. My electorate are aggrieved and I would imagine that the electorate of the other 11 Parishes are also aggrieved because they are losing their representation. They are losing the most democratic representation that the whole Island has, the Senators. The Islanders recently lost 4 Senators from the original 12 and we have an element who would like to see them removed completely. The removal of 4 Senators was not the electorate's choice, they were not consulted on the matter. The removal of 4 Senators was accomplished by an element in this Assembly who believe that they know better than the electorate who they never consulted. The electorate of St. Mary, though small in terms of population, are extremely astute when it comes to democracy. It is not democratic that 4 Senators have been removed from their voting representation without consultation. This is regarded as a dictatorship. There should be no further decrease in the position of Senator, in fact the Senator position should be restored to 12. There are those who maintain that all of the States Assembly should be elected Island-wide, no need to have Parish based Deputies or have large constituencies. Of course there is a merit in that belief. People are aggrieved that our Island constitution can be altered without a democratic vote. The next change will be to encourage the formation of political parties. Jersey is too small to have political parties in the Parishes as Parish officials and, indeed, the Constable must remain neutral in order to represent the electorate fairly. The present Deputy of the Parish, elected by the Parish electorate, has no authority in that Parish, something that the electorate of the Parish who elected that Deputy find very strange and unfair. Therefore candidates elected Island-wide would provide a greater representation of the electorate and would also dismiss the inequality votes. These elected people would not need to be called Senators or Deputies, they could be called something different. They very often are called something different now, not always complimentary. We need to restore the respect in our elected representatives. That will not happen until we listen to our electorate, the people who we promised to represent. The people who enabled us to represent them. If we did have all-Island representation then political parties could be possible. They may, of course, not be elected. That would leave the 12 Constables who already have a very responsible remit in looking after their Parish. There are

many options which have not yet been explored. For instance, we could retain 12 Senators with a criteria to stand as Senator being a previously elected Member of the States, which would make voting, and indeed the hustings in each Parish, far simpler as each candidate would have a political background and reputation. Maybe there should be conditions imposed on Constables, for example, not being able to be a Minister, Assistant Minister or Scrutiny chair, or supporting a political party. This would ensure that they remain totally unbiased in support of their Parish. The people of this Island deserve to be listened to on all changes to the constitution. Please listen to them on this very important issue of Senators by supporting the proposition by Senator Farnham, which echoes the retention of the Senators as proposed by Senator Gorst. This and other propositions do not offer a perfect solution and it may be that if the Clothier report was debated today it would be accepted. Until a better system is devised, we need to accept that this is the best we can achieve at the moment. Any future changes should not be dismissed on logistical notions. Logics can be made to work as is evident by the Guernsey elections in which all politicians were elected on the same day.

3.4.7 Deputy I. Gardiner of St. Helier:

Listening to the previous speaker, I agree on the one point that we need to restore respect and trust from the public. One of the ways of doing it is to stick with our decisions and not to have endless debates with our decisions and changing decisions all the time because this debate has been done in December we all thought that the decision was made.

[12:30]

I commend and respect Senator Gorst and Senator Farnham and applaud their persistence in fighting until the last moment to retain the Senators by lodging these amendments. I will speak once on both amendments. Even though there were only 3 votes supporting retention of the Senators at the previous debate, I do agree with Senator Gorst that Islanders care about Senators. I agree, they do. But they are much more unhappy with inequality of their votes; at least in my district. Electoral reform is always resisted by some. In USSR, those in power fought tooth and nail to retain their power. Only a fair and equal democracy cannot claim that a system that favour some over others is better. It is ridiculous. To put tradition over democracy or habit or convenience is again ridiculous. The States Members with an equal size electorate and equal power is a perfect democracy. We are all compromised, and the compromise of keeping Constables is closer to a perfect democracy that we were before. It is a good compromise. My previous decision has not changed. I will be consistent in my voting and support the original P.P.C. proposition. Thank you.

3.4.8 Deputy R.E. Huelin of St. Peter:

Firstly, we really all must acknowledge the initial work by P.P.C. in bringing P.126, it seems like an eternity ago, early last year. It took up the reins of the recommendations of the C.P.A. Election Observer's Mission that oversaw those elections we all stood in in 2018. The headline recommendations, and this is well-rehearsed, were voter equality, reduced complexity and voter engagement. In fairness, it was a great and well-researched study ensconced in the proposition. It did not, however, meet with, among others, the approval of the country Parishes. They liked their dedicated Deputies, but most of all there was strong desire to maintain the Constables taking their seat in the Assembly. It also did not meet the fairest and most equitable of all Members, Senatorial elections are mathematically perfect and I cannot understand any challenge to that statement. Senators also give the whole Island their chance to elect a Member who is likely, I know not always, likely to seek high office. All past Chief Ministers have come from the Senatorial ranks. What I fear happened last year was lacking in 2 fundamental ways. One was timing. P.139 was debated on 1st December 2020. This was the sitting after the vote of no confidence and around the time of the hospital site selection, including the constant attention duly and rightly given to COVID it is hardly surprising that in the eyes of the public this, shall we say, was sneaked in under the radar. This has been borne out by the many recent letters in the *J.E.P.* and the numerous calls from concerned

parishioners that I have received. The second was compromise. It is clear for all to see that the only way to get this through was to secure the Constables' vote. Ironically the most inequitable of all our Members. I say this as a supporter of keeping the Constables in the Assembly, however I did not support this change. Why? Quite simply, as has already been rehearsed, this is one of the most important decisions we will make. Is it easy? Obviously not, otherwise the ideal situation would have been presented and adopted years ago. However, shall we just accept something because it is merely a bit easier but nowhere near ideal? I suggest not. In business you would go back to the drawing board, taking with you the lessons learnt and return having acknowledged and addressed those concerns in completion. Yes, it can be an iterative loop but it is a process that is proven to work. A real valid question is: has the Island ever been asked the direct question: "Do we want to do away with Senators?" I sense when asked bluntly the answer is no. In exactly the same way that we are here today supporting Constables in the Assembly. When push came to shove it was clear the Island wants them. In summary, I am in support of these amendments. I will vote for both, however I am inclined to prefer the amendment lodged by Senator Gorst mainly because I do not feel, and nor do the Island, that we need more elected representatives. So where is my compromise? I stood in 2018 to represent my Parish, the Parish where I have close connections going back for generations. Should, after the amendment, we vote to keep Senators I will support the change to large constituencies and vote accordingly. I will then, if invited at the 2022 elections, share my role and passion with the wonderful residents of St. Mary and St. Ouen and fully engage in the spirit of change.

3.4.9 Connétable A. Jehan of St. John:

Thank you. Well, here you go again, or should I say "we go again". While this is my first debate on this subject in the Assembly, just how many times has the subject been discussed? Who could have thought that after the votes had been counted and the results declared on the eve of 24th April 2013 that this Assembly would still be discussing the way forward? About implementing the results some 8 years and 2 general elections later. Having been heavily engaged in the campaign for option B I have first-hand experience of just how much effort was put in by each of the campaign teams, especially the A and B teams who both wanted a fairer system and worked extremely hard to achieve it. While new to this Chamber, I have been involved in many, many election campaigns spanning almost 40 years. What I heard from apathetic voters on that campaign trail in 2013, and indeed on numerous campaigns that I have been a part of, will no doubt be familiar to Members. When asking voters why they have chosen not to vote, why they do not want to get engaged, you always hear the same responses: "My vote does not matter. They[meaning us] never listen." We have seen in our Island dwindling turnouts at elections and the levels of apathy far above most comparable jurisdictions. The campaign with the highest turnout that I have been involved with being almost 80 per cent in St. John in 1994. We need to get back to that level of engagement to be able to say we have succeeded. It is all well and good for those of us who are engaged in the political process to respond to such sentiments by explaining that their votes do matter, by saying every citizen has a responsibility to vote but I would ask Members to take a moment and stand in the shoes of those who are apathetic towards our democracy. How are their votes on election day transformed into policies pursued by this Assembly? How, when over 80 per cent of voters supported either A or B in that 2013 referendum, only for the Assembly to do nothing? Worse than doing nothing, this amendment and previous proposals like it have gone completely against what the electors said. Electors who took the time and trouble to vote and tell us what they wanted. We should not forget that option C in 2013 was to retain the role of Senator but that only polled 19 per cent of votes. These results are very different to Senator Farnham's protestation that removing Senators is against public opinion: 19 per cent in 2013. It also confirmed that we should have fewer Members and not more as suggested by the amendment to the amendment. How, when time and again politicians are elected, promising electoral reform only not to deliver. As Deputy Alves said earlier, it is within our grasp to demonstrate we are listening. There are always tweaks or improvements that can be made to any electoral system, the original Queen amendment, as it was called, was a slight tweak on the original

but in my view improved things. This amendment goes against what the public was asked. We could look into online voting, increased support for candidates or a whole range of other suggestions but none of these will promote greater turnout on their own. Fundamentally the only way we can increase turnout is to prove to those would be voters that their choice at election time does matter. That manifestos are not just empty promises, that we as elected Members will follow through on the public's wishes. The public have voted to keep the Constables in the States, they have voted to redraw electoral districts and increase the fairness in the representation. It is time we finally deliver on those wishes. The loss of trust is not just from those who voted in favour of the proposal before us, people who voted A to remove the Constables and people who voted C and did not want change have also lost trust, all because this Assembly continuously failed to carry out the result of the referendum. There are numerous examples of where trust has been broken in recent years between the electors and this Assembly, examples too numerous to list today. In my experience trust is hard won and easily lost. We have an opportunity to start rebuilding that trust today. This amendment, well-intentioned I am sure, should be rejected soundly. A look at the current 8 Senators sees just 3 - yes, 3 - who are Members of the Council of Ministers. That is not what I and many Islanders signed up for in 2018 when going to the polls. An Island mandate should have given you a seat around the Council of Ministers table. We have Scrutiny Panels with the same amount of Senators on a panel and yet we are told how Senators hold senior positions. Really? As mentioned before by Deputy Labey, the online gov.je petition launched just over 100 days ago on 8th January, and despite having Members of the Government as some of its first signatories, has gained 144 signatures at the start of today's debate. This compares with 3,780 for a petition to introduce Freddie's Law launched on a similar date. Does that tell you the public want to retain Senators? Senator Gorst says Islanders care about the role of Senator. It tells me the public have lost interest and want to see us finally take action, action that should have been taken for the last 8 years. I believe that this proposal can and will strengthen the Parish system. Constables have a role to play in this and I will be working my hardest to make a difference and to ensure the role of Constable is and remains relevant as the vital Parish link to this Assembly. Senator Gorst referred to Guernsey. Recently 119 candidates stood for the first all-Island election. People thought it could not be done, people thought it would be a circus. The paper would be too big, *et cetera, et cetera*. Having managed one of the successful Deputy's campaigns in that election, I can tell you it was not a circus and there were very few issues with the voting paper. Postal votes got used extensively and technology was used to good effect in the counting, something proven with their recount. We can learn from this ahead of next year's election. Hustings events got held and importantly voter turnout increased. The new election system saw an 8 per cent rise in turnout in Guernsey, almost 80 per cent of those on the electoral role voted. As I mentioned earlier, something we have not seen since around 1994. If the Senator and those who support this amendment are so keen on the Island-wide mandate then why not an amendment to have 36 Senators and no Deputies? This would have achieved voter equality in the same way the proposed districts achieve voter equality. I have not joined this Assembly to waste time. I want to work with colleagues to find solutions and focus on the real issues. As a keen observer for many years I can tell fellow Members that the public are right to think the Assembly spends far too much time speaking about itself, it has to stop. In closing, if I can take Members back to where I started, back to 24th April 2013. On that day over 80 per cent of Islanders who went to the polls voted for change with just 19 per cent supporting the retention of Senator. Importantly for me on that day over 75 per cent of the St. John parishioners who went to the polls actually voted for change. They supported option B with as many votes being gained in St. John for B as there were for A and C combined. I have no hesitation in rejecting this amendment and I would urge Members to do the same. **[Approbation]**.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Thank you very much, Connétable. I see that the adjournment is proposed. We have only a minute to go before the normal time of the adjournment. The adjournment is proposed, any Member opposed? Very well, the Assembly stands adjourned until 2.15 p.m.

[12:44]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

The debate continues on Senator Farnham's amendment to the second amendment brought by Senator Gorst. Next listed to speak I have the Connétable of St. Ouen.

3.4.10 The Connétable of St. Ouen:

We have had a number of debates on the subject of electoral reform during my time in the Assembly. I too was pleased when we finally agreed the change we did last December. However, I have consistently supported the role of Senator on each occasion and spoken on this subject, and I do so today. I think however if the Assembly rejects the position on Senator on this occasion that we must accept that and put this matter to bed. However, like the Connétable of St. Brelade, I have had a number of representations from parishioners and feel duty bound to represent these today in this debate. Under the current system of ministerial government the office of Senator has an all-Island mandate to undertake the very senior roles in Government, such as Chief Minister, and indeed other ministerial roles. Indeed senior chairs within Scrutiny by their nature are all full-time and leave very little time to deal with individual Islander's concerns. I am not suggesting that Senators do not get involved in individual issues because they do. The point is that electors realise that in voting for Senator they are probably voting for a potential member of the Government at a senior level who will be fully occupied with their role and have very little time to be involved in issues that should rightly be the remit of the Connétable or the Parish Deputy under the current system and the new district Deputy under the new system, which I am confident we will vote through today. Conversely these new Deputies will have to pick up a great deal more local issues in their district that would undoubtedly eat into their time and ability to take on senior Government Scrutiny roles, which will require fulfilling. Furthermore, when the Chief Minister speaks about Island-wide policies, he speaks in the knowledge that he has a mandate for the whole Island. This is true of all Ministers who are Senators. However, our system is not perfect. I accept we have both Deputies and indeed Connétales who are Ministers too, which in the purer sense of course is flawed. My argument about Senators could be countered by pointing to the U.K. and highlighting that M.P.s (Members of Parliament) are elected by constituency and one of their number goes on to be Prime Minister. Indeed all Government roles are filled by M.P.s. My counter to this is the U.K. has party politics so when you vote for an M.P., aside from the individual's policies, you know the national mandate you are supporting. We know apart from the 2 new parties ... when I say "new", one of them is new and Reform, we do not really have party politics yet in Jersey. This brings me to another issue. Much has been made of voter apathy and I have accepted this proposition will at a stroke resolve this issue. As I have said before, and this is not my view, I am convinced that part of the reason for voter apathy is the voters are not sure what they are supporting when they vote for a candidate and whether they can achieve what is in their mandate, if they do actually read the mandate and support it. Our current Government is made up of independent Members, quite aside from the 2 parties, one of which of course is embryonic, which in a number of cases have widely diverse views on the way forward. In my view and short experience this is not a rescue for quick progress. Common agreed approach from the Government with pre-agreed party policies could achieve much more progress in a shorter period of time. The States has a reputation for underachieving, which in turn breeds apathy. For example, why vote as most people think that nothing is actually going to change anyway. For example, whether you support Reform's views, which as they know I do not, or largely, all their candidates have the

same mandate and they are consistent in trying to achieve it and support each other in doing so. In short, voters know exactly what they are going to get for their vote and they know that they will all be working together to achieve this. To me, this is a point for the future of Island politics. I hope more Members are inspired by the Reform example and grasp the nettle of forming parties and getting to the stage where we have a party-led Government. This may well in turn help with the uncontested election issue, which is not entirely confined to Constables as 3 Deputies returned unopposed at the last election. However, hopefully the new Deputy system will stop this as to be successful any party is going to need to maximise its return on elected Members and contest every single seat that is available. Anyway, I digress. Back to Senators. I believe we need some Members with an all-Island mandate to take the top Government role and the issues which this great amendment can, in my view, be fixed in other ways; babies and bathwater comes to mind. I am acutely aware that we have settled this issue the last time round, however since I received many representations from my Parish urging me to keep Senators and the only reason which keeps coming up is how can we have a Chief Minister who is only elected by a district rather than an all-Island mandate. I also add that at the P.P.C. Parish meeting that was held at St. Ouen it was made very clear to all present that the Parish strongly supported the role of Senator. Indeed it was a very strong majority when the vote was taken and they would like to see their ranks restored to 12. From a St. Ouen's perspective you can see their point. Under the original system, St. Ouen's parishioners had the choice of voting for 14 Members of the Assembly: 12 Senators, one Deputy and of course the Connétable. Under the current system they can vote for 10. Under the proposed new system, if Senators are not included in this, this falls to 4 with the prospect that in the new districts that 3 of this number could not have direct links with the Parish. Of course their question is: is that actually an improvement in their representation? This proposition, in my view, retains the benefit of what we have already agreed and I wholeheartedly support but with the small addition of Senators, it keeps our Senators too. I do not think it wrecks the proposition, it clearly enhances it and it has my support.

3.4.11 The Deputy of St. Martin:

I have always said that if there was to be a single representative from my Parish then that should be the Constable and that I would vote myself out of office in order that my Constable could continue to represent me as my Parish representative, and I think Islanders value that Parish representation hugely. I think they also think that the Constable should be the person who takes the view forward. I say to the Constables, those who would wish to retain the Senators, Islanders want you to keep up that Parish representation but we have to make progress and we need more equality. I hope that we are going to make some progress today but in order to do that, as has already been said by some, we need to compromise. We all have to give up something. We all have to give up something we cherish, something we value, and we have to put the fear of change behind us. What I have heard in some of the recent speeches is the fear of change. But we must not fear change. We must make progress and we must try much harder to get better equality for Islanders when it comes to voting. Those words are quoted directly from Hansard in a speech I made back in December. I say to Members I am not one for changing my mind, I am determined my Constable will represent me as my Parish representative. I do not fear super-constituencies or to make progress on voter equality and I will not be voting for either of the amendments.

3.4.12 Senator S.W. Pallett:

As Members might expect from someone who carefully considers decisions that he takes, and is not someone who changes his mind in a whim, I am not going to support either the amendment of Senator Gorst or Senator Farnham. I understand both Senators' passion but I would have thought that both, especially Senator Farnham, would have looked back at the debate on P.139/2020 and realised that this Assembly wanted change. Part of that change was the move to 2 types of Member from 3. As has been said, Senator Farnham's amendment in December was heavily defeated 43 votes to 3. During this debate at times I have been dismayed, disappointed and frankly at times annoyed by some

of the comments made by some Members as they try to justify overturning a decision this States Assembly made in December last year. Did any Member not understand what we were debating with P.139/2020? I certainly hope not, as I do not believe the media, including social media, who covered the debate, and the run-up to the debate, were in any doubt as to what was being proposed within P.139. Are we really to believe that the public were in some way hoodwinked or sidestepped in regards to the electoral changes put forward in P.139? I do not believe that is the case. To even suggest that proposals agreed within P.139 were sneaked in under the radar. It is just not true and frankly it is absurd. It is quite often said that the future of this Island lies in the hands of our younger generation. Those that are either currently in education, learning about life, our political system, those that are in the workplace may be building businesses or careers, considering starting a family, bringing up children of their own, or just trying to survive in an Island where housing is so expensive and the cost of living crippling. Are our younger generation engaged in politics? Do they understand our political system? What about our electoral system? Do young people find it mystifying? Are we listening to young people? What can we do to encourage more young people to take an interest and particularly stand for election? Are we dealing with these issues? I suggest the answer to that is no. Einstein is widely credited with saying: "The definition of insanity [and I am sure most of you will know the quote] is doing the same thing over and over again but expecting different results." We cannot carry on with the same electoral system in Jersey and expect better results. It is insane not to change. Young people, if you talk to them, find our system too complex and in their eyes far too difficult to break into. We have to break that mould. There should be fair opportunity for all when it comes to standing for election, irrespective of the position you stand for. Can anyone stand for Senator? Yes, they can at present although the Constable of St. Mary believes we should discriminate against the vast majority of the electorate on the grounds they are not already a States Member. From someone who stood as a Senator at the last election I have no doubt that financially standing as a Senator is beyond the reach of many. Spending £8,000, £9,000 on an election campaign rules out many and, frankly, if you are not prepared to commit you are not going to get elected. That is unfair. Moving to smaller equal-sized districts levels up the playing field and does not take away 8 seats in this Assembly that many simply could not afford to stand for. I do not know how many times I have been asked what does a Connétable do. Generally it is from younger people including those in their 30s and 40s. This is not a dig at the Constables because I think they do a fantastic job. I was one. But those people simply do not understand that the role is a dual role, both within the States and outside within the Parish. We have heard party politics mentioned several times today. There are now 2 parties in this Island: the Progress Party is the new party and the endeavour is, in coming weeks and months, to take away any myths around standing for election as a Connétable. We simply should not have 10 or 11 uncontested Constables elections next year. To avoid this I and others will clearly try to explain that dual role and clearly set out how many in our community, both men and women, are perfectly capable of running a Parish, any Parish. Being part of the States Assembly should be no different if you are a Connétable, a Deputy or a Senator, so what exactly holds back Islanders from standing as Connétable in their Parish? I can assure the Connétable of St. Mary that political parties are here to stay and again the Progress Party will clearly show the public that any scaremongering around being a Connétable, and a member of a political party, is totally unfounded and needs to be dismissed. Returning to young people and Islanders more generally. If we truly want an Assembly that is representative of our community then we have to reduce the hurdles in the way of progress if we really cannot alleviate them altogether. To start this process we must support the changes put forward within P.139, and again we are discussing today, as it simplifies the system that many do not understand and, frankly, are suspicious of and will provide an opportunity for more Islanders to stand for election which hopefully will address uncontested elections. This Assembly is not and should not be seen as a select club that only an elite few can join. As a party, and as its interim leader, we desperately need to engage the public more widely in the run-up to next year's election and convince every Islander that their vote matters. I have met so many people

recently that have said to me that they will not vote again as politicians never do what they say and never deliver on manifesto promises.

[14:30]

Have we really sunk that low? I understand their frustration but the failure of politicians to deliver as an Assembly of 49 individual States Members is an issue that we need to address and one that I and my colleagues see best addressed through the growth of party politics. Entering an Assembly with a group of elected politicians after an election with a shared manifesto, well-researched and funded, has to be a step forward from the current situation of 49 individual politicians who turn up with 49 wish lists they frankly have no idea how they can deliver on. This debate, and in fact my speech, has been wide-ranging but certainly it has been an experience. Last December I was confronted with proposals that were not completely to my liking but, like many Members, I was prepared to compromise. I still am. Being a member of a party teaches you the ability both to compromise and to accept democratic decisions taken by a wider group. I respect the decision that was taken last December and I will support those decisions. To be clear, I have nothing against an Island-wide mandate, be it the Senators, Deputies or any other title. But that was not on offer last December nor is it on offer today. Jersey generally does not like change but we have already agreed this so rather than lower the respect that Islanders have for politicians in this Island please, please let us just get on with this.

3.4.13 Deputy G.J. Truscott of St. Brelade:

It is a pleasure to follow Senator Pallett. He made some very good points. It probably came as quite a surprise the way I voted last December when I voted to support the proposed changes. But really it should not have come as any surprise if anybody had read my manifesto, which did indicate in the manifesto of 2018 that I was up for change. I think, like all organisations, they need to change. It just cannot stand still. The previous elections, the poor turnout, *et cetera*, really did point to something needing to be done. I was more than happy with a great deal of consideration before I pressed that button to support what was on the table. I did indicate in my manifesto that I am very in favour of an Island-wide mandate, and I think Guernsey have proved that it can be done. I did suggest that 37 Senators and 12 Constables going forward should be perhaps something very shortly we should consider as an Assembly. Whether it is the 2026 election or the 2030, I think it would be a reality that that will be on the table then. I will be surprised if it is not. I am a supporter and a staunch supporter, and always have been, of the Parish systems. I get on extremely well with my Parish Constable. I try to attend all the Parish Hall meetings or Assemblies and get on very well with the Parish Deputies. Of course St. Brelade going forward will remain pretty much intact. The bigger lure, what attracted me to what is being proposed is the simplicity, it is the creation most importantly of a level playing field that everybody will stand at the next election with the same opportunity, equal opportunity, to be elected. That in a democracy I think is absolutely everything and it is something that we should grasp while we have this opportunity. I have considered but this Deputy is not returning. I believe the change is long overdue. I urge other Members to reject both these 2 amendments and I rest my case there.

3.4.14 The Connétable of St. Helier:

Listening to my good friend, the Constable of St. Mary, I did not know whether to laugh or to cry. He suggested that his parishioners are worried about their democratic deficit. He did at least describe them as astute and I think anyone is astute who moves to a Parish where their vote, through their Constable, has approximately 10 times more power than someone who lives in St. Helier when I press my *pour* or *contre* or abstain button. The fact is, and I want to bring the Assembly back to this, and several speakers, including Deputy Truscott, have reminded us of this. These reforms are essentially designed to bring in a system whereby our voting power as electors is based on the population of the Parish in which we live. A number of Members have talked about the attraction of

possibly having many Senators. The Constable of St. John in an excellent speech - 2 excellent speeches in his first 2 days in office one has to say is a very impressive start - but the Constable of St. John said that he would be happy to have perhaps 36 Senators and the Constables and the problem about doing that is that the inequity created by the Constables staying in the States will not be challenged by having the rest of the Members being elected by the Island because that disparity that I started off by talking about, particularly in St. Mary but in other rural Parishes as well, will persist and it would only be a matter of time before the position of the Constables in the Assembly would become untenable because critics both at home and abroad would say: "How can you have a unicameral system where some Members have more power than others?" What P.P.C. have brought forward is a system with the larger consistencies that allows that democratic deficit, calls by population, to be addressed by having more Deputies in certain districts. If there was not a problem with adding Senators I suppose I could support it because if the equity of our voting was not affected, if Senator Gorst and Senator Farnham were not proposing to take away these Deputy seats that have been brought in to try to address the inequity, then one could probably live with the notion of Senators although of course it would remain an anomaly. We would still get situations where possibly none of our Senators will be given the job of Chief Minister. There is no guarantee that just because someone has a democratic Island-wide mandate ... the Freudian slip, I call that democratic and of course that is not the panacea for democratic values in Jersey. But there is no reason to suggest that a Senator should get a particular ministerial position and indeed we have seen that happen ourselves in the last few years. People who, at the Senatorial hustings, say they want a particular job when they set out their stall in front of the Assembly when it comes to choosing our Ministers sometimes find that there is another Member who has a better stall that Members believe will make them a better Minister. As I say, it is illusory to think that Senators are always going to have the top jobs. It is an interesting title, it is a nice concept, but so long as it challenges the very bedrock of democracy, which is voter equity, I cannot support it. I would urge Members to realise this. It has been somewhat depressing listening to some of the speeches that have obviously been written beforehand. Deputy Labey, for example, gave a superb speech where he set out very clearly what the issues are only to be followed by a number of speakers who presumably were not listening because what they said went quite against the arguments, the very rational arguments that Deputy Labey was making. I have asked the Assembly many times to deal with the situation whereby the States of Jersey is effectively gerrymandered. It is not a situation that can continue. If we continue to dodge the issue, and there is no doubt that outside observers will challenge our system of Government and they will say: "How can you claim in the 21st century to be a representative democracy when you clearly are missing the point when it comes to voter equity?" I would urge Members to stick with the decision we made in December. Further refinements can come but let us at least have a fair system before we move forward.

3.4.15 Senator J.A.N. Le Fondré:

I expect there to be a change at the end of these series of debates and that change that I expect is that the Assembly will be introducing super-constituencies. That will be a significant step forward and it is a compromise or will be a compromise for a number of people who have not supported them in the past. Therefore, whatever happens, there will be a change, in my view. The question therefore should be revolving around the Senators and essentially a small tweak to the numbers in relation to the Deputies. I am going to be focusing mainly on the Senators as far as I possibly can. But I do agree with the Connétable of St. Helier. I often agree with the Connétable of St. Helier in certain areas but he may not support my agreement in this context because there have been some comments that have been somewhat depressing. I also agree with the spirit of his comment that essentially, as Senators go, I consider in my view that the Connétales will be gone in the next Assembly. The reason I say that is because by that point there will be a significant number of Deputies and people will say: "Why do we not go down to a single Member?" People know my stance on that one. I do sometimes rather feel that I should be applying to Durrell as a member of a species that is about to become extinct but

we will see what the outcome of the vote is going to be. What I did want to pick up on is some of the comments that have been made and challenge the comments which I think are unsubstantiated. Number one, the public are not supportive of an increase in States Members, which is interesting. The reason I refer to that is that - I cannot remember who said it - Senator Gorst in his very good speech at the very beginning of this whole series made reference to the work that the Corporate Services Scrutiny Panel did in 2017 when I chaired it, which was we looked at the electoral reform proposals that were being made at that time. We did not have very long to look at it in the time we were given but we did run a MORI poll and at the end of the day, for me, a MORI poll is one of those statistically significant surveys that one can do that does give you evidence. That evidence, and I think it is worth making 2 remarks, I am kind of working backwards in importance. One is we asked the question at the time was that ... and it was yes/no type of answers that we would be given on how it is split. The question was: the number of States Members could increase a bit if this led to a more even distribution of number of voters per elected Deputy. The feedback from that statistically representative sample, from memory it was 1,000 to 1,200 Islanders split again by age, general diversity across the Parishes, all that type of thing, was 37 per cent versus 38 per cent. There is not a clear level of evidence the public are not supportive of an increase in Members. I just wanted to challenge that point. That is not anecdote, that is evidence-based. The other point I think which also comes back to the scenario we face as States Members as a whole. I hope this is within the bounds of debate, if it is not I apologise. But if I was to say to you on a daily basis: "Sir, you look tired, are you feeling well, I hope you are okay?" for perhaps 2 or 3 months I would suspect that even if you were feeling absolutely wonderful at the beginning of that time that 3 months down the line you would be feeling pretty awful. If on the other hand every day, Sir, I come to you and say: "Actually you are doing a really good job and I think you are looking great" hopefully at the end of those 3 months you would still be feeling fairly buoyed up. The reason I say that is that comment has been made on a number of occasions that the public do not understand our system. I am going to be critical here, and it is not this P.P.C. or the previous P.P.C., it is P.P.C. in general, probably for the last 15 years, what has been done - other than the really good work by the States Greffe with the Year 5s, with the Youth Assembly, *et cetera*, i.e. people of school and student age - to Islanders, particularly people who move to the Island, to explain our existing system and the benefits from it? Because if we talk up the system and people understand its positives it cannot then necessarily be targeted. Yes every system has difficulties, every system has its negatives but there has been no concerted effort on a considered and frequent basis to explain the system that we presently operate. The second comment is that there has been no push back from Islanders on the reform process that is being suggested.

[14:45]

I am wracking my brain here but I cannot really imagine what could possibly be distracting Islanders and the public from 100 per cent focus on what the deliberations are of this Assembly, particularly around Christmas and January of last year and this year. It might be the fact of being in the middle of a pandemic for the last 12 months and more. They have been worried about their health, about losing loved ones, possibly about their jobs. I rather suspect that electoral reform has not been at the forefront of their minds. I think that goes back to the point again about talking about ourselves at the right and opportune moments. I do take the view that the Senatorial role is the most democratic role that we have and I fail to understand remotely the arguments it is not because each vote a member of the public makes towards their choice of Senator is directly proportionate to the total of the electorate and it cannot be distorted in any shape or form. As an aside, yes, the hustings for the Senatorial role do need improvement but I believe over the life of the, I think, 14 hustings that we faced in 2018 we face between 50 and 70 questions, from memory, and that is excluding obviously all the social media and the other engagement that we had. Just to comment as well and perhaps a public understanding of what we do, and I know the States Greffe is hopefully going to be initiating something at some point for States Members, and we, as Government, are also going to be implementing something to

explain the roles of what we all do and what Government does. So some of that communication can be addressed. I do take the point, as far as I am aware, there has been very little sustained explanation of what our electoral system is and how it works. I also make the point, which is picking up on one or 2 remarks around I think it was the 2013 referendum and option B. The reason I understand absolutely sincerely the feelings of those who supported option B, I think again it is worth putting on record, and I am going to quote from the then Senator Ian Le Marquand from a proposition he brought around that time the reasons why a number of us could not support the outcome of the referendum. The nub of it, and there were members of the Reform Party that agreed with it at the time, option B did not get 50 per cent of the total votes cast. It got close but it stopped just over 49 per cent of the 26 per cent who voted. That basically meant that less than 13 per cent of the registered electorate, the ones who voted for option B, and that, in my books, is not a mandate for that level of change that was being proposed. Something that Senator Le Marquand said at the time said: "In my view the most that can be said for option B is that it won a sporting contest. I know this will disappoint the B supporters but there simply is no mandate for this particular package of change." That is why option B did not succeed. I again make the point, and again bear in mind because this is the arguments that have been brought up for removing the Senators, is that in the MORI poll that we ran back under the Corporate Services review that we did at the time, one of the questions asked was I wanted to keep Senators in the States; 58 per cent of those surveyed agreed, 75 per cent had little or no knowledge of the proposals that were being made at the time and perhaps the most clear outcome of the result, irrespective of whether one supported or did not support the proposals at the time, the population polled 71 per cent of them, between 1,000 and 1,200 of those surveyed, supported a referendum on the proposals and 87 per cent felt there should be far greater communication from the States on such measures. We have simply not done that. Obviously the pandemic will be part of it but I think the other point to make within a referendum, and this is to quote directly from a U.N. website on the Venice Commission, said the question submitted to the electorate must be clear, must not be misleading, it must not suggest an answer and most particularly voters must answer the questions asked by yes, no or a blank vote. That was also not possible out of the options that were there. That, when I said I was supporting a referendum, it must be a yes/no answer. For all those sort of reasons I do not consider that we have a mandate to remove the most democratic role the electorate can vote for. I am always open to being proved wrong but I do believe we will be challenged and we will be criticised if we do not maintain the Senators, given the circumstances that we are in at the moment and given the lack of ability of the public to have a say in removing their ability to vote on an Island-wide basis. The other point that comes through, reference has been made for it, the people who said there is no direct requirement for the Chief Minister to be a Senator. I absolutely do agree with that. But also the proposals unamended will create 9 districts and what that will mean, in reality, on the basis that every Chief Minister to date has been a Senator, is that only one-ninth of the Island will have voted for whoever becomes Chief Minister under the present system. I do not consider that that will be an improvement in the position on the Island. What I was going to say is in a system of generally independent individuals, which is what we presently have, Senators are the ones that provide the direct link between the electorate and the Chief Minister. That certainly has been true for all the positions to date and I should be interested to see what the reaction will be, but as I said when in reality only one-ninth of any proportion of the electorate will be able to vote for a future Chief Minister. There are some minor points that have also been made. One of which being that the P.P.C. comment is an inequality of arms with regards to campaign expenditure. I would make the point that by moving to everybody roughly at 10,000 while I accept that it will be cheaper for those who run for Senator to run within a super-constituency actually for those in individual Parishes the barriers will have got harder because they will need to run a campaign for an electorate of 10,000, 11, 000 rather than potentially less. That is what they have at the moment and so therefore I would suggest that the barriers, there are all sorts of arguments around the barriers to being able to stand. I think the final comment, which is a relatively minor one, is that ... I know Deputy Martin frequently refers to "what my Constable has said", i.e. the Constable of St. Helier because she has great

admiration for him, but it will be interesting because there will be a number of representatives from districts who will not be able to say that any longer after the next year, presumably, because obviously they will not have a single Constable because they will be representing more than one Parish. Really to sum up, I think some of the arguments that have been used have been, at best, I would not say spurious. I think that the arguments that people do not understand the system is the fault of ourselves and the fact we do not engage with the public sufficiently to explain what we do. I think the fact that the ...

The Bailiff:

I am sorry, Chief Minister, I have to ask you to stop. That is your 15 minutes.

Senator J.A.N. Le Fondré:

In which case I will be supporting the 2 amendments from Senator Farnham and Senator Gorst.

Deputy R.J. Ward:

I think Deputy Young had a clarification, I do not know if you want to take that first. It just popped up on the screen.

The Bailiff:

Deputy Young, was that a point of clarification from the Chief Minister?

Deputy J.H. Young:

Yes, please it was. I think I wanted to check that I heard the Chief Minister correctly. He said that only one-ninth of the Members will be able to vote for a future Chief Minister in the new States; would he please just clarify that because that is an important issue?

Senator J.A.N. Le Fondré:

Essentially working on the principle that the Chief Minister ... there are going to be 9 districts and obviously only one district will vote, and therefore roughly one-ninth, for the successful candidate who becomes Chief Minister.

Deputy J.H. Young:

Could the Chief Minister just confirm that the Chief Minister is elected by the States Assembly?

The Bailiff:

That is not a point of clarification and I do not think there is any doubt among any of the Members of the Assembly.

3.4.16 Deputy R.J. Ward:

Sometimes you do someone a good turn and say there is a point of clarification and they steal a part of your speech but never mind. I will start with that. The reality is that the Chief Minister is elected via this Assembly and the majority of this Assembly, each of whom represents their constituents. That is the way democracy works in just about everywhere around the world unless you have a direct Island-wide election for Chief Minister specifically for that, and we do not. We are not talking about that. I am very pleased to follow the Chief Minister because what I would like to put back is some of the rational arguments that have been made, as we have been through this debate, because there have been some that perhaps have not listened and considered those. What I was hoping, the fact that we have to even return to this debate is disappointing but when we do please let us listen to the rational arguments that go with it, some of which are complex, some of which have a number of interlinking parts that have to be considered but they have to be. I thank Deputy Russell Labey, who I thought put things very well about the equity argument of the Senators and the fact that it is the only allegedly democratic way. That is simply not the case and I am not going to repeat because I know

Standing Orders say we do not repeat arguments that have previously been made, but I would urge Members to think back to the arguments that were made. I want to address this issue first of all of the role of the Senator and the notion that there is some sort of primacy of the role. The reality is that the Council of Ministers and the Government, the Executive side, is made up of the majority of non-Senatorial Members of this Assembly. That reality effectively destroys the myth that Senators are elected for that reason. I think that is very important. Perhaps what I would suggest is, if everybody who stands for this Assembly considers themselves that they are of the calibre to take on the role of Chief Minister, then perhaps every single Member of this Assembly would have the sort of stand that people are looking for in our population of those who stand for this Assembly. So during the debates in the last few days I have written down the word - and I have put it in huge letters in front of me which is good because my handwriting is not very good and I am having trouble reading my own handwriting - but the word is "leadership". What we need now is leadership. What we are sadly lacking again by revisiting this debate is a lack of leadership. I go back to what the Chief Minister has just said. I am not picking on in any way, it is the thing that was last said. He mentioned that we are in a situation of COVID and we should be considering how we respond to that and the well-being of our Island and the issues that surround everybody's lives day to day. I absolutely agree with the Chief Minister there. It is very nice to be able to agree with him so wholeheartedly. That is why we should not be wasting time revisiting this debate, which was voted on in P.139, and now there is a last gasp attempt to try and save the Senators that has been brought back to us again. I would suggest that if we had genuine leadership what would happen is that the Chief Minister who represents this Assembly, is elected by this Assembly, would take the will of this Assembly, which was 31 votes to 16 in the last vote, and step up and say: "I support the will of this Assembly and I will not back these amendments. But I will back what P.P.C. has proposed."

[15:00]

That to me is leadership of this political establishment of this political Assembly. Sometimes I wonder whether that is understood, that there is a role there to be had as well within these, I would say 4 walls, but it is a very rounded wall; I do not know how you would describe it. The real change is not simply to change the size of some constituencies because some are not changing. I stood in a constituency with 3 Deputies represented. Deputy Le Hegarat, who is to my left here, stood in a constituency, a huge constituency with 4 Deputies. They are not changing massively, only some are, so the major change here is not that. The major change is about equity of representation and that is so important. As a constituency Deputy, I deal with constituents and I am very pleased to do so because you are close to your constituency. But if somebody comes from somewhere else with an issue that may be considered Island-wide - and I will come back to that notion of Island-wide and how we define that because I am not entirely sure I know what that means - I would not turn them away. I would try to help, perhaps contact their Deputy, or it may be something that is common to so many people across the Island that you would be involved in. This notion that perhaps as Deputies we only deal within the boundaries of our constituency is so fundamentally wrong. I have to say, I would support, particularly because I work so closely with them, many Members who are new to the Assembly who have really thrown themselves into this role and taken on so many things across the Assembly: with Scrutiny which has dealt with so many, what would be considered, although it is difficult to define, Island-wide issues, and you do so in those roles. Anybody who thinks you can walk into this Assembly simply as a Deputy and not be involved in certain things, I am afraid you are going to be very, very shocked when you walk into this Assembly. I would remind the Government, and those who I think in the essential nature of Senators need to be retained, that so many propositions have been brought in this term by Deputies and Back-Benchers or non-Executive Members that have been so crucial to what has happened in the driving of this Assembly. Of course, I would mention the proposition regards climate change which I believe has changed a dialogue a great deal that we have had in this Assembly. I am not on an Island-wide mandate so how on earth did I manage to think up such a thing? We do not come in here in isolation, we do not come in here

and not try to represent everybody but we are elected within a certain area. I think that myth needs to be looked at very carefully and it needs to be considered very carefully before people feel that they are going to vote to save something which is, to be quite frank, not really there. I would like someone to define to me what they mean by an Island-wide issue. What would it be? Would it be drainage, because there is drainage within constituencies and there is drainage Island-wide? Would it be the sea because that surrounds us? Would it be the beaches because they surround us? Would it be greenspace because that is everywhere? Would it be traffic? Well we do not just drive within our own constituencies. There is a strange sort of debate going on there about Island-wide, which I really do not understand, and this protectionism of that mandate for issues that are not real, or are real but for everybody seems to me to need to be understood and it is very confusing. There are a couple of other things I will say as well. There has been compromise. I think Senator Pallett, talking about parties, I would say he said there were 49 individual manifestos. There were 44 plus 5 of us who stood on a collective manifesto and have tried to pursue that. Indeed, there was a strange criticism of it yesterday for trying to pursue that which I did not quite get but, there we go, we will leave that one behind now. He is absolutely correct. As politics develop and as people work together, we do have that collective approach developing. I stood purely because there was a party to stand for because I felt that was the right thing to do. I stood because I believe that Jersey is a fantastic place to live and we have a duty to try to do something about it, keep it that way and make it better, and that is Island-wide. Those issues are Island-wide. There was a key point that was made about change and the fear of change and I think that is the case, that sometimes change is not understood or is interpreted in a way that it may weaken what we have. This notion that it is the psychology of the population that was wrong and not their understanding of procedure, I think is fundamentally wrong. What we have is a real desperate need for people to engage in politics and the only way we can do that is to simplify our system, make it more inclusive, and make this Assembly much more representative of the people that we represent. It has not happened for so long and this is an opportunity for us to do it. When I spoke yesterday, I said sometimes life is like a film and it is like Groundhog Day, and we are back in Groundhog Day. But then I thought about it, that is not the film that we should be looking at here. Perhaps the film for Senator Gorst and Senator Farnham is "Frozen" and to quote from "Frozen": "Let it go, let it go. Can't hold it back anymore."

3.4.17 Deputy C.F. Labey of Grouville:

The States Assembly has no mandate to remove the most democratically-elected seat in the Chamber. It had no mandate when it removed the original 4 seats in 2011, and it has no mandate to remove the remaining 8 seats today. The so-called referendum which did not demand a yes/no answer and did not have a minimum percentage turnout requirement, I am afraid rendered it invalid from the start. It posed options which, according to the Electoral Commission, is unheard of, super-constituencies with the Constables or super-constituencies without the Constables. The options did not produce a conclusive result for anything where option A and option C had greater support than option B, indicating that the majority of people voting did not want super-constituencies and the Constables, which is exactly what we have before us today. This proposition to amalgamate certain Parishes into super-constituencies and remove 8 Senatorial seats is reducing the voting rights and influence of my constituents in Grouville from 10 candidates to 4. How can this be a move for democracy? By retaining the 8 Senatorial seats gives the public a far greater ability to influence and elect those who serve in their Assembly. It is no secret that I would far prefer a greater selection of 12 Senators, even 16, to choose from. It gives the public the ability to indicate who they favour in the more senior roles. They are the more senior roles by dint of the number of the electorate they attract: 500 to 1,500 votes for Deputies compared to 10,000 to 15,000 for Senators but, more importantly, it gives the public greater influence and say in who they might favour as Chief Minister. What we do with that result is a debate for another day. It is no secret that I support the Island-wide mandate. I also support maintaining the integrity of the Parishes. The Island is made up of 12 Parishes, not 9 districts. It is who we are, it is part of our Island identity. We belong to a Parish community, not 2 to 3 districts,

depending on how the numbers carve up at a given point in time. It is grossly unfair and demonstrates the total lack of understanding or recognition of the relationship of the Deputy in rural Parishes. You have only got to look at voter turnout in Parishes like St. Mary, which commands 60 per cent turnout compared to St. Helier which struggles to achieve 35 per cent. Equally, to expect the rural Deputies to serve in multiple districts, multiple municipalities, attend 2 to 3 Parish Assemblies and Parish organisations times 2 to 3 that accompanies Parish life, yet the urban Deputies continue to serve one or part of one Parish, is unfair. Clothier recognised this and kept the integrity of the Parish and the Deputies elected in the Parish they serve. An issue which has not been addressed is that for a new unknown candidate it is far more costly and cumbersome to canvas a large district of 2 to 3 Parishes. The election becomes more akin to a P.R. (Public Relations) exercise rather than the door-to-door personal engagement which people in Jersey like and expect from candidates. P.P.C. cannot have it both ways. They cannot use the argument that people do not vote because they feel disenfranchised, at the same time as advancing the argument that our system is too complicated and people do not understand it. I find this argument insults the intelligence of the public. I could explain the difference in the 3 roles to someone in less than 5 minutes. The issue is the relevance of local politics in people's everyday lives and that education: education at home, in schools and to newcomers to the Island. But all Members have a part to play in demonstrating the difference in the roles. I would particularly like to see the Constables play a greater part in using their Parish Assemblies to discuss and vote on issues to be discussed in the Assembly, making the Constable truly representative. This would also help to invigorate Parish Assemblies and offer debate in local politics at grass-roots level. But this whole argument to change our entire system to achieve equal representation and equality of numbers has been lost by the office of Constable being retained in the States Assembly. So we should not continue with this fudge of compromise, we should continue with the solution which gives our constituents the greatest number of votes and influence in their Assembly until at least we can table something better. Because if it is voter equity we are after, this is not the option.

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

I wish to speak to refute the suggestion that only the Senatorial elections provide an opportunity to discuss Island-wide issues. I fought 3 elections for a seat in the States Assembly and it is my experience that parishioners want to talk about Island issues far, far more than purely parochial issues. My experience arises from having knocked on doors, stood outside shops and Parish Halls and the like, and moved around our community, perhaps more so than the Senators do in a public election. I have no doubt the concerns were Island-wide, the concerns were population, the concerns were, even if they were talking about speeding outside their own home, is it not an Island-wide issue, that road safety is critical in the Island and we have problems of that nature? Deputies might get a helpful local and immediate focus but it is an Island-wide issue, nonetheless. So I reject this condescending view that the Deputies are perhaps only fit to deal with parochial issues and that Senators are the senior Statesmen or should be regarded as such and the ones eligible for ministerial office.

[15:15]

That should never have become the case but it perhaps grew to be a way of thinking from 1948 when the Jurats were replaced at the time the addition to the States Assembly could have been with 12 more Deputies but, as we are so often finding, there is a fear of complete change. There was a recognition that the judiciary needed to be separated from the political Assembly but there was a fear of a complete change of moving to an entirely democratic system. The Jurats had been influential members of the community and they were known across the Island. They had tended to head major committees and how could those Jurats who wanted to continue in politics possibly sit as mere Parish Deputies? So, the idea was dreamt up that there should be an Island-wide mandate; did not have to be. This Island-wide mandate, because the Jurats were seen as senior statesmen, had to be grander than the Deputies. So the first Senators were elected, some of them for 9 years, some of them for 6 years and some for 3, whereas the mere Deputies served for 3 terms. The Senators had the option, if

they should be unfortunate enough to lose their Senatorial seat, they could fight a subsequent Deputies' election and come back into the States. Before the Senators were named as such, before it was decided upon the name to call this new class of States Members, they were referred to as the "political Jurats", so this is a hangover. Seventy years on, our Island and our politics does not need this stratified, hierarchical, outdated and condescending structure. It is just not needed. We are all duly elected States Members of equal status. The concept of senior positions and seniority and priority is not the reality in this Chamber or, indeed, as many have pointed out, in government. Once Deputies are elected in larger districts, those larger districts will always have reference to the Parishes, so my Parish will be combined with 2 others, but we will nonetheless be Parishes. Once elected, the States Members, call them Deputies, you could call them Senators, you could call them anything else, but they will have been elected to our Assembly and represent a population of more than 10,000 people. With that mandate, they can justly claim a comprehensive mandate which would have got them elected anywhere else in the Island. Therefore, no one can any longer say: "Oh, they would not have got elected if they had have stood in my constituency" or stood in some other constituency. There will always be elections as opposed to the failings now where we see Members - it is not the failings of Members - but it is the failings of the system that we have too many contests that are not contested. If Members like the concept of Senators, then those new Deputies elected in the larger districts will fulfil a Senatorial role. They will represent a large electorate. They will span Parish boundaries. They will be just as capable as anyone who might have been elected as a Senator. Senators do not become extinct, Senators are a class of States Members, we are changing a name, we might say we are removing a name, but the States Members will still exist. All Senators can still stand as a Deputy in the new constituencies. So, Senators, please do not cling to a title, become Deputies do the same job you are doing now, the same job we are all elected to do, which is to represent the Island. We are talking about a system to get us to represent the Island, to do the best for Islanders and do the job we have been doing. To suggest that we need to retain the Senators because they bring a greater sense of democracy than Deputies might because they deal with different issues, all of that seems to me to be a falsehood and unnecessary, and it does make the system far more complex. I have stood on doorsteps and tried to explain our system. I disagree with the Deputy of Grouville, it is not easy to do, it is completely outside the experience of so many people. It is not easy to understand, so I would have to be standing on those doorsteps again and saying: "Well we elect 8 Members on an Island-wide basis and 12 Members on a parochial basis. What about the rest? Well it is neither Island-wide and neither parochial, in fact, it is something in between. Some Parishes are combined, some Parishes are not combined." How complex is that? We have a duty to achieve the greatest voter equity we can in a system that people can engage with. I was concerned and upset to hear the Constable of my Parish say that he had received some representations in the past few days and therefore felt duty-bound to vote for these amendments. I would like to say to my Constable, who voted for reform in December, that we have a population of over 4,000 people in our Parish, and I am sure he has not received 2,000-plus representations in the last few days. I have received, I think, 2 by email. Perhaps he has received many more, I do not know, but he will not have received and been able to assess the view of the entirety of our parishioners. I think he should understand that we do not need to retain this outdated system. If we are duty-bound in anything, we are duty-bound to move forward and to remove the serious inequalities that exist in our system. No system is perfect but in December we reached a reasonable compromise which delivered improvements in the system. We did that ourselves, we did not need that to be forced upon us as might happen if we continue in our failure. We arrived at a solution which gave greater voter equity, which gave greater understanding, and will lead to more engagement, I believe, with our constituents. I hope my Constable will stick to the principles that he voted for in December and reject these amendments, as I will, and I would urge all other Members to do the same.

The Bailiff:

Senator Moore, you wish to give notice of a move to close the debate under Standing Order 65? So you will be making that motion in half an hour's time, yes?

Senator K.L. Moore:

Yes, Sir, I will.

The Bailiff:

Very well, Members will notice that that notice has been given.

3.4.19 Connétable L. Norman of St. Clement:

I would like to say how much I appreciated the quality of the speech of the Deputy of St. Ouen, I even agreed with one or 2 of the points that he made, but I shall make a very short contribution because so much has already been said. What I have to say is that it is genuinely with heavy heart that I cannot support either the amendment of Deputy Gorst or the amendment to the amendment of Senator Farnham. Not just because we have already made that decision a few months ago, although that should be enough, and not just because, as I said in the last debate on this matter, we must be one of the only jurisdictions, or very few jurisdictions, perhaps the only jurisdiction in the world, to have Senators but no Senate. Having decided wrongly, in my view, to move to large constituencies, when you think about it, there is no longer any point, there is no longer any relevance in the Island-wide mandate. Every Deputy will be elected with a substantial number of votes compared to what happens now in some areas. But I predict, nevertheless, that we will come to regret the amalgamation of some of the less populous Parishes, as we will see places like St. Mary, Trinity, St. John and even St. Martin disenfranchised to a degree. This will be even more important, more noticeable when in the 2026 election, as the Chief Minister has predicted and indicated, there probably will be no election for Constables, the States will comprise entirely of Deputies, rightly or wrongly, but that will certainly disenfranchise particularly the smaller Parishes. The Deputy of Grouville said that she respected the integrity of the Parishes, as I do. So while I cannot support the amendments, I will suggest to her that perhaps she might do what I am going to do and make one last protest about these changes and vote against the substantive Article 1 in any event so that we can really have another look at this in due course.

3.4.20 Deputy K.F. Morel:

I am going to keep it very short and particularly focused on this amendment; I will leave my thoughts on Senator Gorst's amendment to that debate. I just wanted to say that, unfortunately, I have to say something about Senator Gorst's amendment, it creates an inequity as far as the parishioners that I represent are concerned and Senator Gorst's amendment creates a reduction in their representation. The same goes for St. Ouen, St. Peter, St. Mary, St. John, Trinity, Grouville and St. Martin under Senator Gorst's amendment. So I cannot in any right mind, as representative of St. Lawrence, a Parish that would be adversely affected by Senator Gorst's amendment, I cannot in any way not support Senator Farnham's amendment because it goes some way to righting that wrong from Senator Gorst. Were Senator Gorst's amendment to be passed and supported by the Assembly, I would have watched an opportunity to stop that inequity happening pass me by. So, it is with that in mind that I will be supporting Senator Farnham's amendment and taking it from there and seeing where that goes. But it is important, I think, that, for me, representatives of those Parishes that I mentioned are aware of the damage that Senator Gorst's amendment would do to their Parishes in terms of their representation. So I would urge them to think along similar lines to myself as far as this particular amendment is concerned.

3.4.21 Connétable P.B. Le Sueur of Trinity:

I only intend to speak once in this whole debate, as I find it difficult in situations when we are re-opening a recent debate to add much that is new. However, this one is of particular importance to me and the many people who have taken the trouble to contact me over recent weeks to express their

despair at the prospect of losing the Senators. I said in my speech in December on P.139, it was a dreadful day for Jersey when the Assembly reduced the number of Senators from 12 to the present 8, removing 4 of the most democratically proactive Members of this Assembly without a mandate from the people of Jersey. Well, here we are again, asked to ratify a further reduction in democracy by condemning the 8 remaining Senatorial seats to the political wastebin. Today we are back in the Last Chance Saloon and the opportunity remains for Members to wake up and smell the coffee.

[15:30]

Is this really the right way forward when the name of the game is supposed to be improving, not reducing, democracy? In their comments, P.P.C. say they are dedicated to extending voter turnout and looking at ways of achieving this by simplifying the existing system. Well I am sorry to disagree but I do not see that getting rid of the Senators and the change to super-constituencies achieving this objective. It is claimed that the people do not vote because they do not understand the system. Do Members really think there will be a groundswell of enthusiasm and a sudden upsurge of interest in local politics just because we have had yet another tinker with the electoral system? I just do not see it. I will take the opportunity to say that I will reluctantly support the proposed change to the date for the election to 22 because I fear the impact it will have on our national day. But I do think that it is again another example of unintended consequences of continual tinkering with the electoral system. The issue of conflict with our Liberation Day should have been identified when elections were moved from the autumn to the spring, again, on the pretence of increasing voter turnout and we know how successful that was. I will be supporting both of the amendments but it remains highly unlikely that I will support the substantive main proposition if it remains unamended.

3.4.22 Senator S.C. Ferguson:

We have had all sorts of people saying that no one can understand our system. I consider that this is so supercilious and condescending that I am appalled. I find our youngsters a great deal smarter than their contemporaries suggest. Even the blue-collar workers understand the voting system in the U.S. (United States) so why people think that our youngsters cannot understand our system, I have no idea. As I say, I think it is highly, highly insulting and I will not be supporting any of this revision stuff because I think it is rubbish.

The Bailiff:

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

3.4.23 Senator L.J. Farnham:

Can I thank all Members that have spoken, we have had some really good speeches? We have had some rhetorical speeches and we have had opinions expressed as facts, we have probably had some facts expressed as opinions, so it has been very interesting. I will try to address the substance of my amendment which was adding 3 Deputies to the mix and I have still quite a bit to say about the Island-wide mandate, which I am going to obviously keep until Senator Gorst's amendment is debated. Can I just reassure Members that both mine and Senator Gorst's amendments are brought to the Assembly in the spirit of compromise? There is no attempt to do anything other than find a compromise, find a way forward, seek improvements to our electoral system, although some speakers have contradicted themselves, and I will perhaps point out one or 2 of those examples as I move through my summing up. But I will try and keep it brief, bearing in mind we still have quite a lot to do. Senator Mézec and I have taken opposite positions on this consistently and I felt like I was being both patted on the head and slapped in the face at the same time by the Senator. I do not think we will ever agree on figures because you can look at the statistics, and I am looking now at a spreadsheet that I have been working on and shared with other Members, and you can present those statistics and you can add and subtract and divide all day and all night and come up with lots of different results but you cannot do

that with the office of Senator. It is an Island-wide mandate and it is what it is. What I am trying to do is just retain some or put a little bit more balance into the mix, provide a slight improvement to Senator Gorst's amendment. That is all I am trying to do, I am trying to just improve Senator Gorst's amendment - if he will excuse me for saying that - slightly so that we can get a little bit more equity, as a number of Members have pointed out, in some of the districts. With hindsight perhaps I should have not done that, perhaps I should have just, rather than try and put more Deputies in, I should have just perhaps brought a proposition to restore the number of Senators from 8 to 12. With hindsight, and having spoken to a number of Members, perhaps I should have done that. Let us just look at the total number of Members in the Assembly. Before all this started, we were at 53 Members, and then without the knowledge or the permission of the electorate, the Assembly arbitrarily reduced the number of Senators from 12 to 8, taking the number to 49. Senator Gorst wanted to reduce it by one further to 48; my amendment would put it to 51. I do not think there is a huge amount of difference in those numbers in the context of the work the Assembly does. All Members will know, no matter whether they are engaged with Scrutiny or Government or both, that there have been times when even with 49 Members we have been hard pushed to deal with the workload. I know a number of Members have referred to that in previous speeches, not just today, but in previous speeches on this issue. Deputy Labey delivered a fantastic speech; his delivery was good. I do not always agree with the content and he made some rather surprising claims. How can anyone consider the election of Senators to be less fair than the other elections? It just does not make sense. The Senatorial and Deputy ... well, I will come on to that in a bit, but he also compared the hustings. While the Deputorial hustings are well attended, some better than others, although I have been to some Deputorial hustings in fact in St. Helier where they are very poorly attended, yet that does not always impact on the quality of the questions. They are often very good; you do not need a large crowd to ask good questions. But the Senatorial hustings pack Parish and public halls, with a nod to St. Martin, every single time. The chair of P.P.C., Deputy Alves, and the Constable of St. Martin talked about statistics and I am trying to recall now. Yes, I think Deputy Alves compared my amendment to the original proposition which had 37 Deputies, whereas I have 31, and she was looking at the variance of average which does differ from the original proposition but not by a considerable amount. For example, the average population of the Deputy in the main proposition was 2,886, in mine 3,400, and in Senator Gorst's - I am trying to just find that figure now because it is a large spreadsheet - it is 3,800. While percentages might vary from minus 13 to plus 10 in the original proposition, in my amendment they range from minus 9 to plus 15, so they are almost as broad as they are long. But my amendment seeks to restore 3 of the Deputies that the P.P.C. proposition has in place, so I do not quite understand how Members can criticise that when I am putting back some of the Deputies to mirror what they originally proposed which indicates it is their way or the highway. They are not prepared to compromise on their original proposition which I find disappointing. I am not sure if it was the Constable of St. Martin that said we should not change the number of Deputies without considerable, careful thought and consultation, but of course we are happy to get rid of the 8 Senators without applying that standard to it. The Constable of St. Mary clearly articulated the views of his parishioners and a number of Members have spoken about the loss of influence in the country Parishes. Deputy Gardiner, and a number of other Members, have spoken about the importance of sticking to our decision. Of course, it is only worth sticking to a decision if it is the right thing to do. Deputy Gardiner also pointed out that we keep coming back to try and save the Senators but we only do that because the founders of the - or the perpetrators, if I can use that word - the founders of the move to remove the Senators keep coming back again and again. We are responding, we are not bringing new propositions, we are being forced to respond every single time because Members keep bringing it back. If at first you do not succeed, they try and try and try again, and that, I believe, is starting to wear everybody down, where some Members are throwing their hands up and saying: "Look, we have just got to do it, I am getting fed up of it. We have made our mind up, we cannot go back" and that I find disappointing. The Constable of St. John, he has made his first few speeches as a Constable, and have been very good. He referred to the 80 per cent turnout in 1994 in St. John in

an election where he had helped. We know that the Constable of St. John has been actively involved in politics behind the scenes for many years, taking an active role in the election process and supporting many candidates in their bids to be elected. Yet, through no fault of his own, when he did finally and rightfully join this Assembly, he was elected without a contest. Not his fault at all, I think there was a hedgehog that did think about standing against him but thought better of it. Yet, the Constable is supportive of removing the role of Senator and I do not think any Senator since they were introduced in 1948 has ever been elected without a contested election. I have not checked, there might have been a by-election in days gone by, but I do not think there has been. The 80 per cent turnout, do not forget that was in the days where we had 12 Senators elected 6 at a time, we did not have single election days: Constables, Deputies and Senators elections were on different days. They had the similar makeup of the Assembly but we had greater turnouts in those days, so you could argue that the progress we are claiming to have made is just not working. I do not see how this will strengthen the Parish system because, again, as a number of other Members have observed, in their view, and I agree with them, as sure as night follows day, if we lose the Senators, the Constables will be next. I challenge Members in the debate on Senator Gorst's amendment ...

The Bailiff:

If I can interrupt you, Senator, I am afraid, as you can possibly hear from my recording, there is an echo that is increasing over the last minute or so of your speech. I am not sure if Members again could check that nothing has become switched on that should not have been switched on.

[15:45]

Perhaps if you could carry on again, Senator, and we will see where we get to.

Senator L.J. Farnham:

From my end, that appears to be a little bit better.

The Bailiff:

Yes.

Senator L.J. Farnham:

As I said, as sure as night follows day, the Constables will be next. I challenge Members in the next part of the debate on Senator Gorst's amendment if they are minded to, just to be honest with the Assembly, because I know a number of Members who were option A supporters who just see it being one type of Member in the Assembly, to say so now. I think a number of Members are thinking that but we need to know. Because I have spoken to some Constables as well, one or 2 of them do not think that is going to happen, but it cannot not happen because I do not think it is going to be possible to run the 2 offices side by side with the argument on voter equity trumping - in my opinion wrongly trumping - voter representation. I thank the Constable of St. Ouen again, another Constable who has listened to his parishioners. With hindsight, I wish I had perhaps organised or worked with the Parish Deputies or some of the other Senators to maybe put some small petitions around the country Parishes, encouraging Island parishioners to speak to their Constables because I too am of the opinion that the Island does not want to lose the Island-wide mandate. There is considerable support for that. But, as the Chief Minister has said, so many of us are focusing on other things at the moment, there has not been time or the priority given to an orchestrated campaign to save the Senators. I have worked on a number of campaigns at elections and, prior to that, I remember gathering, before we had online petitions, several thousand signatures, with Senator Ferguson and others, standing in King Street not so long ago. Deputy Truscott is his own man and he has said he is not for changing his mind but it is disappointing that he supported the Island-wide mandate in his manifesto and is not going to be supporting its retention but, however, that is a matter for him. As Deputy Labey said, I do not believe we have the mandate, this Assembly has the mandate, to move that office without the permission of the electorate. The Constable of St. Helier mentioned a unicameral system and how it

is not conducive to having multiple-type States Member but I will argue in my next speech the opposite. We have different types of States Member because we are a unicameral system but, as I said, I will come back to that. The Chief Minister, I think, covered the flaws with the previous referendum, so we do not need to go into that again. Perhaps we might talk a little bit more about that in the next debate. Deputy Ward, I think, challenged to understand just what an Island-wide mandate meant. I have, as a number of Members have, served as a Deputy and a Senator, and issues such as housing ... I will talk about 2 issues where this, I think, is relevant. One is housing. I remember when I was a Deputy representing St. Saviour No. 2 District and the huge support and pressure I had from my parishioners, from my constituents in St. Saviour No. 2, to protect greenspace. They did not want to lose any more greenspace for housing. They felt they had done their bit, they had the majority of the Island schools and they were at their wit's end and the Constable and the Deputy of St. Clement will understand that. I remember at a time when the Island, as we are now, was desperate for housing, I remember as a Deputy fighting against new housing on greenfields in my district. So that is an example of where I was, because of the influence of parishioners ... and I saw myself as working for my parishioners first before the whole Island on certain issues. That was an example where I fought against housing, much-needed housing, to protect some greenspace in my district and on that occasion we were successful. Ironically, since then I think the space that was protected then, some years later went on to be developed, or partially developed. Another good example is the hospital, and I have spoken to a number of St. Helier Deputies. It is quite interesting, the issue of the hospital is clearly something that is required by all Islanders but there are pressures, especially for the Deputies in that district, where there are a number of different pressures. There are pressures against any changes to the road, there are some parishioners who support Overdale and are very keen to get on with it, there are some parishioners that do not, there are some parishioners that want People's Park. I think the Deputies have a difficult job on their hands to balance that but I think they will do it admirably. Whereas, as a Senator, the Senator can look upon that, not impartially, but they are not just responsible to a district, they are responsible to the whole Island, so they can make their decisions free of fear or favour and influence from district or the Parish, and that is an important point to make. So for Deputy Ward, that is the difference between working on a constituency basis and an Island-wide basis. I know Deputies do not only work in their boundaries, constituency boundaries; they do not. I remember the Deputies' elections I participated in, it was a mix. We spoke predominantly about Parish or constituency issues and then we spoke about Island-wide issues because, you are right, when we are in this Assembly, we are all equal. But of course Deputies and Constables are, I think, heavily influenced at times, and quite rightly, by their Parish and constituency interests, that is why they are elected there. The Deputy of Grouville is absolutely right but I have already mentioned that about the mandate to remove Senators. The Deputy of St. Ouen, it was rather a bizarre comment about Senators being some sort of hangover, and I will address that next time around in my speech on Senator Gorst's amendment. But I look forward to doing that because there really are some very, very important reasons why, as a unicameral system, we have 3 types of Members. I agree strongly with both the very good speeches of the Constables. The Constable of St. Clement has held, I think, just about every type of office available, so sorry if I get the titles mixed up, at times and the Constable of Trinity who made concise speeches, both of which I agree to that. So thank you all very much for participating and Members for their contributions. As I said, these amendments are made in the spirit of compromise. I will finish there and ask for the *appel*, please.

The Bailiff:

I would ask the Greffier to put a vote into the link. I open the voting and ask Members to vote in the normal way.

Deputy G.P. Southern of St. Helier:

I am unable to vote again.

The Bailiff:

Well if you want to vote in the chat, you can do it that way if you want, Deputy Southern. Have you managed to vote, Deputy Southern, or are you voting in the chat?

Deputy G.P. Southern:

Yes, Sir.

The Bailiff:

If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment to the amendment has been defeated:

| POUR: 15 | | CONTRE: 31 | | ABSTAIN: 0 |
|----------------------------|--|----------------------------|--|-------------------|
| Senator I.J. Gorst | | Senator T.A. Vallois | | |
| Senator L.J. Farnham | | Senator K.L. Moore | | |
| Senator S.C Ferguson | | Senator S.W. Pallett | | |
| Senator J.A.N. Le Fondré | | Senator S.Y. Mézec | | |
| Connétable of St. Lawrence | | Connétable of St. Helier | | |
| Connétable of St. Saviour | | Connétable of St. Clement | | |
| Connétable of St. Brelade | | Connétable of Grouville | | |
| Connétable of Trinity | | Connétable of St. Peter | | |
| Connétable of St. Mary | | Connétable of St. Martin | | |
| Connétable of St. Ouen | | Connétable of St. John | | |
| Deputy of Grouville | | Deputy J.A. Martin (H) | | |
| Deputy K.F. Morel (L) | | Deputy G.P. Southern (H) | | |
| Deputy G.C.U. Guida (L) | | Deputy K.C. Lewis (S) | | |
| Deputy of St. Peter | | Deputy M.R. Higgins (H) | | |
| Deputy of Trinity | | Deputy S.J. Pinel (C) | | |
| | | Deputy of St. Martin | | |
| | | Deputy of St. Ouen | | |
| | | Deputy L.M.C. Doublet (S) | | |
| | | Deputy R. Labey (H) | | |
| | | Deputy S.M. Wickenden (H) | | |
| | | Deputy of St. Mary | | |
| | | Deputy G.J. Truscott (B) | | |
| | | Deputy J.H. Young (B) | | |
| | | Deputy L.B.E. Ash (C) | | |
| | | Deputy of St. John | | |
| | | Deputy M.R. Le Hegarat (H) | | |
| | | Deputy S.M. Ahier (H) | | |
| | | Deputy R.J. Ward (H) | | |
| | | Deputy C.S. Alves (H) | | |
| | | Deputy K.G. Pamplin (S) | | |
| | | Deputy I. Gardiner (H) | | |

3.5 Draft Constitution of the States and Public Elections (Jersey) Law 202- (P.17/2021): Second Amendment (P.17/2021 Amd.(2)) - resumption

The Bailiff:

We now return to the second amendment, Senator Gorst's amendment. Does any Member wish to speak on that amendment?

3.5.1 Deputy C.S. Alves:

If the Assembly approves this amendment, it will be reversing the decision made by most Members in December 2020. The media and public's response to that decision was very positive and there was a real sense of moving forward. This takes us back to where we have been for the last 20 years, making small progress, then getting cold feet and failing to implement it. The public are frustrated by our lack of progress. I wish to address some of the comments that were brought up in the debate to Senator Farnham's amendment, which also carry over to this one. So, the Chief Minister mentioned in his speech that some of the conclusions we have made regarding what the public think and feel is not evidence-based and he quoted the findings of a MORI poll that took place during his previous term of office. It has also been mentioned by other Members that it is an insult to the public and condescending to think that they do not understand our current system. Members referred to mostly young people when stating this; however, it is not just young people, it is adults as well: 60 per cent of those eligible to vote, do not vote. So, I would like to remind Members that P.P.C. in this term of office carried out surveys and in-depth market research. As I said before, 4insight undertook a massive body of work on our behalf and ensured they collected data from a representative sample of the population. Before anyone thinks about criticising or questioning 4insight's integrity, as has been done in previous debates, the Government regularly use 4insight when seeking to gauge public opinion and undergo market research. So, I am going to quote some of the findings from that body of work which were included in the original P.P.C. proposition, P.126. Firstly, the conclusions from the survey were as follows: 45 per cent felt dissatisfied with the current composition of States Assembly, 70 per cent believe our system should change, 79 per cent think that the electoral reform should prioritise giving each elector a vote of equal value, that is 79 per cent, 61 per cent believe there should be just one type of States Member and 74 per cent were overall in favour of the P.P.C. proposition. Now I am coming to the conclusions from the focus groups. The overall opinion of the current system was, and I quote: "It is confusing and over-complicated. There are too many politicians. Some Parishes are underrepresented.

[16:00]

The system is unfair and inequitable" and 85 per cent of respondents stated that the system should change and that 89 were in favour of the P.P.C. proposition. The overall reaction to this proposal was positive. It was perceived as much clearer and simplified, fairer and equitable. It was perceived to better address the constituencies and districts than previous options and that voter equity was very important to most. Going back to Senator Gorst's amendment, in his speech Senator Gorst suggested that the role of Senator is the most democratically-elected Member and he looks to our sister isle as an example. Surely that paves the way for the removal of the Connétables in due course and to a single type all-Island Member; that would see Parishes destroyed and replaced with an all-Island mandate. That was not what this Assembly has said they wanted; they wanted to keep the Connétables and the Parish system. To also pick up on the Deputy of St. Peter's earlier comment where he asked whether the public were asked - and I believe other Members also touched on this - if they wanted to keep the Senators in the referendum in 2013 and chose not to. Senator Gorst's amendment also ignores the referendum results of 2013 when the public agreed that there should only be 2 types of States Members. The referendum showed that overwhelmingly the majority supported the move to larger equally-sized constituencies and that is the one being option A and option B had in common. Voters were happy to lose the Senator/Deputy distinction. Option C,

which kept the 3 types of Member, was decisively rejected. Senator Gorst says in his report: “At present we can all have a say at every general election as to who is the leader of our next Government.” This is clearly not true. Senator Gorst suggests that the fact that every Chief Minister has come from the Senatorial benches since 2005 has created a precedent and an expectation from the public that the Chief Minister will be a Senator. Yet, several times in the past when proposals have been lodged to place this into statute, the Assembly has rejected them. Candidates can advise the electorate of their intention to run for Chief Minister during their campaign and there is a scope in the future for specific hustings to be held for those candidates seeking that role if elected. To suggest the public votes for someone as a Senator because they believe he or she will become Chief Minister is misleading. One only has to look at the outcome of the last election to see that the top 2 candidates chosen by the public were, subsequently, not those chosen by the Assembly to be Chief Minister. In fact the Assembly has repeatedly rejected the public’s opinion and since 2005 has only once placed the poll-topper, Senator Gorst himself in 2014, as Chief Minister. To imply this now as one of the primary reasons to retain the role of Senators is spurious. In trying to encourage quality candidates to come forward, P.P.C. is aware that the current system is not fair. Senatorial candidates have a greater financial outlay than the Deputy counterparts if they are to ensure their message reaches the entire Island, which may be a deterrent for those with limited budgets. The 9 districts will be more compact, even those where several Parishes come together for electoral purposes. Having smaller districts rather than an all-Island mandate will ensure that Members are more accessible and more closely connected to the needs of the residents of their districts. For voters it will be a less-complicated process to use representatives from their districts, all that candidates will be relevant to them and have an interest in addressing their concerns. For elected Members it will be far easier to gauge public opinion and represent those views within the Assembly. Senator Gorst also claims that the loss of the Senators would mean that we all have the number of votes that we can cast at elections reduced, while the total number of Members remains the same. He says this unnecessarily reduces democracy in Jersey. We argue that the opposite is true, it is not about the number of people you can elect but about the power of those Members’ votes in the Assembly, which are paramount and important. P.P.C. has demonstrated that there is a clear and unfair discrepancy between the voting power of somebody living in a more populated electoral district than somebody living in a more rural location. Members have shown their agreement with this when the Assembly voted in favour of part (a) of P.126/2019 which stated: “Fair representation and equality in voting weight and power across the whole population should be the basis for any reform of the composition and election of the States.” Surely democracy should not be a postcode lottery. Senator Gorst mistakenly argues that the retention of the 8 Senators, consequently reduction of one Deputy for 8 of the districts, would have no impact at all on achieving greater equity in terms of voting. To the contrary, his amendment would result in the current inequities being maintained and in some districts made worse. In addition, 3 districts would fall outside of the ideal plus or minus 10 per cent variants which is deemed as best practice. It is this random approach that voter equity and equality, which has resulted in the current unbalanced and undemocratic system. One further aspect of this amendment is to maintain the existing 3-Member structure of the Assembly. P.P.C. has extensively researched these reforms and during market research undertaken in 2019 it was evident that the current system confuses would-be voters, as stated earlier. They simply do not understand the difference between the 3 Members, and with good cause. Once elected there really is no difference between the 3 in terms of their work within the Assembly, even less so the move to ministerial Government from the committee system. Prior to 2005 Senators did indeed occupy the majority of presidencies on the major committees but the ministerial system is much more equitable. In all 4 Council of Ministers there have been since 2005, Deputies and Connétables have held key ministerial roles. The Clothier report concluded that the continued distinction between Senators and Deputies was not sustainable and it was sensible that each representative should have a constituency of voters whose opinions may be more easily sampled and judged over a small area, rather than a large one. P.P.C. considers that a simplification of the system, which acknowledges the special nature of the

Connétables' roles within the Parishes, as well as within the Assembly, will give the electorate greater clarity. At present the real difference between the membership is simply the way in which they are elected and they are currently elected by a small proportion of the Island's population. If we want to improve democracy in Jersey, then we must increase turnout. We cannot maintain a system in which less than a third of those eligible to do so participate. We cannot maintain that system just because it used to work back in the day. We cannot maintain a system just because it is the last chance to save the Senators. Making the system more accessible and simpler to understand will ensure that the remaining two-thirds of our Island's electorate feel able to engage in the election process and have their voices heard; that is democracy. I urge Members to reject this amendment.

3.5.2 The Connétable of St. Martin:

During the run-up to this debate I have been approached by many who embrace the change and by some who do not. I have been told that my father will turn in his grave if I support the demise of the role of Senator. This comment is both harsh and unnecessary and after thoughts and soul-searching and knowing my father I do not agree. It was a different time. My father was first elected in November 1969. The election date was always in November; no lovely long sunny days for those elections. He was elected as a Senator, not having previously served as a Deputy or a Constable; he was a newcomer. At that time there were 12 Senators elected for a term of 6 years, on a rolling basis every 3 years. This distinguished the Senators' role from other Members of the Assembly. There is now no longer any such distinction. Now we have 8 Senators elected together every 4 years. Each current sitting Senator in this Assembly is either a former Deputy or, in one case, a former Constable. Some of these sitting Senators are now voting for the demise of their own role. Surely this fact in itself speaks volumes. In answers to those who have sought to tell me my father, former Senator Dick Shenton, would turn in his grave if I vote against, I say, no, no, he would not. My father was a true democrat, in my eyes a great statesman and being a true democrat he was always open to change. While I intend no disrespect to my Senatorial colleagues, were the 17 candidates up for election in 2018 really the best the Island could muster? Were they really? Was the Island-wide choice available really the most equitable? Can the new districts improve this? It is my hope that, yes, they can. With the advent of the ministerial system, the committee system expired and Ministers were introduced and we saw the advent of a new relationship between the Senator and the rest of the Assembly. As previously stated, this was further strained by the reduction of the Senators from 12 to 8, significantly reducing their capacity to demonstrate a separation. Each Senator in this Assembly was, effectively, promoted by the voters to this office and the office of either Deputy or Constable but it is unclear whether this promotion is really a necessity. Although there is an unspoken convention that the Chief Minister should be a Senator, Senators themselves are not obligated to hold senior offices. There is no truly significant distinction between Senators, Deputies and Constables. We are paid the same and debate in the same way and we all hold equal ministerial and Scrutiny positions. By reducing the size of constituencies to districts or Parishes, it will implicitly reduce the cost of campaigning, the resources required and, I hope, level the playing field for those who have not been able to afford to fight an Island-wide campaign, while also encouraging more candidates to stand by making the chance of standing and being successfully electable, a considerably more feasible opportunity. In tandem it may reduce the chance of future candidates being potentially elected by name alone. We could use this as an opportunity to allow the public to zero in on each candidate in their district or Parish and get to know them better. We all know that the current manifesto system is inadequate and the limited information available on the candidates during elections is, if nothing else, problematic. The change in composition is not the final stage of improving voter engagement. We have a long road ahead of us and I hope that this new Assembly, or relatively new Assembly, will meet this challenge. Finally, the fundamental problem with this amendment is that it encourages us to stand still. It asks us to keep with tradition and not to try out new ideas; we should seek to avoid this. A truly democratic system is what opens change, opens reform and opens new ideas. We need all sorts of new ideas to drive up engagement from Islanders and to keep our democratic system fresh and

alive. We have a significant deficit and political education in Jersey and minimal production of the independent search and insight into Jersey's political system and political history. We have a significant hill to climb if we want to address this, and we really should address this. With respect to the Chief Minister not having an Island-wide mandate, could we not address this by having a regular poll, namely Island-wide satisfaction with the Chief Minister? In this way we would engage the whole Island. If the loss of the Senators is indeed a terrible mistake, then let us own this mistake and bring them back for the 2026 election but for now let us do what the public have asked for, give this new system a chance, see where it goes and be open to change. I urge you to vote against this amendment.

3.5.3 Deputy S.M. Ahier of St. Helier:

Some months ago I stood in the Assembly and stated that we would have to agree a compromise if we were to ever deliver the reform that the voting public so clearly wanted. It now seems that no sooner was the said compromise reached, some of our number resolved to undermine it at their earliest opportunity.

[16:15]

The electoral reform that we voted for did not challenge the position of our beloved Constables, nor was it an exercise in gerrymandering. Instead, it ensured that 2022 would be the most competitive election in Jersey history. Clearly, this prospect has menaced some of our number and I will briefly explain why our Senators currently enjoy a position of privilege and it would seem some of them are reluctant to relinquish. I have heard it said that the purpose of Senatorial elections is to elect our Ministers. However, the days when being a Senator meant that you were assured a ministerial position are in fact long behind us. All of us have one vote in this Chamber once we have been elected but there is no equality in how we get elected. How many Islanders would be prepared or able to put up £10,000 of their own money to give themselves a favourable chance of election, when their remuneration, if they were to be elected, would be the same as that of a Deputy anyway? Only 3 Senators are currently acting as Ministers, so there can be no serious argument to the effect that the Senatorial elections are the people's way of determining who will lead the Government. One argument I have heard in favour of retaining the Senators is that these elections have, with their 8-vote maximum, historically provided Islanders with more choice. But that is only a perception that it provides voters with more choice because our broken system has delivered so many uncontested elections at the Parish level and of course this will soon change. Indeed, I am sure that if you ask parishioners in Grouville and St. Martin they would also advocate keeping the Senators, just to make sure they get a vote. But this is not a good reason for their retention, when the better way would quite clearly be for Grouville and St. Martin to hold their first contested election for Deputy in a decade. Most people I have sought opinions from on Senatorial elections say something like and here I paraphrase: "I chose 4 Senators straight off but struggled to pick any more. Some voted 8 candidates simply to keep out the candidates they did not want to win." Rather than voting for candidates for Senator, some people are in fact voting against candidates that they do not like. Very few voters even vote for 8 candidates. In 2014 the average number of selections was 6.1 out of 18 standing. In 2018 this decreased to 5.6 selections out of 17 standing. It is, therefore, clear that the lust of Island-wide elections is diminishing as their competitiveness decreases. Worse still, the loss of safe seats in the country Parishes would be guaranteed to result in the Senatorial elections becoming less competitive because, as I said, they are much more expensive to participate in than Parish ones. If we eliminate uncontested elections on the district level, only to end up with less Senatorial candidates than there are seats available, we will have taken one step forward only to take many, many steps back. This amendment is an attempt to save an antiquated system, which we have already acknowledged needs to be dragged into the 21st century. Today we must ratify our decision to move towards a political process which is simple, fair and one which Islanders can readily engage with. We voted by 28 votes to 18 for part (a) of P.126 which stated: "Fair representation and equality

in voting should be the basis for any reform.” Yet, in the amendment that we are being asked to vote on today, it asks us to consider whether to reduce the number of representatives allocated to St. Saviour, hardly one of our smaller or least populous Parishes. This amendment should be rejected so that we can guarantee competitive elections, increase voter participation, encourage more candidates to stand and ensure fair elections for all Islanders.

3.5.4 The Deputy of St. Mary:

First, I do congratulate Senator Gorst for bringing this amendment, notwithstanding certain negative comments and disconnection. To those who question the need for a further debate at this stage, I simply ask them to recall that notwithstanding numerous rejections of previous propositions calling for change, all of which I say were rejected, that does not seem to have been a deterrent to something very similar having been proposed only a few months later and I, therefore, ask that this amendment be regarded with the same courtesy. Many of the points I was going to raise have been addressed in the debate on Senator Farnham’s amendment and I will, therefore, not repeat them here and I confine myself to one particular area. In the final paragraph on page 1 of P.P.C.’s report accompanying its proposition, reference is made to the committee’s aim being to see an increase in voter turnout in 2022. I, and I am sure all other Members, share that aspiration and ambition. But I do question, if not challenge, whether the proposals, as now submitted, do achieve or are likely to achieve that aim. I appreciate that this is not a version of Radio 4’s programme “Just a Minute”, where contributors are penalised for repetition. But I am surprised not to have heard reference or very much reference to the words connect and disconnect today. I say this in the context of noting that at a time when there were 12 Senators the public at large could be reasonably assured that the persons they then voted for would hold senior office. In short, there was then a connection between the electorate on the one hand and the Assembly on the other and it is surely that we should seek to resuscitate. In saying that, I have not ignored the comments of many Members, including the last speaker, that that convention, such as it was, has perhaps fallen into disrepair but it is not beyond repair. I think that much could be done in ensuring that those who do attain Senatorial office should hold positions of responsibility. One aspect, I think Deputy Alves did make reference to the fact that the 2 persons who topped the poll did not become Chief Minister but I think I am right in saying that neither sought that office. If P.P.C.’s proposals were approved unamended, the next result, as the Chief Minister has already spelt out, would be that only one in 9 residents will be voting for the person who would, ultimately, be the Chief Minister. If you add to that the fear of many parishioners, certainly in my own Parish, that candidates resident in the most populous Parishes would have a distinct advantage when it comes to voting for Members of the super-constituencies. I suggest that the proposals are in fact rather a disincentive rather than an encouragement to vote. Indeed, I have received emails exactly to that effect, where some residents have suggested that they see no point in voting at all should these proposals go through. I do, therefore, have real concerns that if the proposition is passed, as I say, the element of disconnect, which is surely something we should seek to rectify, will be multiplied rather than reduced. Finally, as is clear I hope, I regard maintenance of the Senatorial sector as fundamental to any improvement in the level of engagement with the electorate which we should all strive for and, as such, I shall be supporting this particular amendment.

3.5.5 Deputy L.B.E. Ash of St. Clement:

It was famously quoted and has been oft quoted that no one pretends that democracy is perfect or wise. Indeed, it has been said that democracy is the worst form of government, except all those other forms that have been tried from time to time. Why is it the best or indeed the worst system? What makes it work and what does not? One of its major strengths is also one of its major flaws and that is the dependence on the losing side accepting the voters’ wishes with good grace and acknowledging the legitimacy of the victor. When this does not occur the consequences can be ugly, as we saw with the shocking scenes on Capitol Hill following the U.S. elections. What does that have to do with us, Deputy, you make well ask, Sir? Because do we not always have fair elections where the result is

accepted and both parties shake hands? Yes and no, there is one major exception of course, when a referendum was held as to what our electoral system should look like, to the great shame of those involved this was ignored. Why? Because certain Members did not like the result and so decided not to implement it. Of course away from the ballot box it is something we see a lot of in the Assembly, the tried and trusted E.U. (European Union) method, as I like to describe it, if you do not like the result bring it back and hope people change their mind. It has been very effective with the hospital over the past decade and it has cost the taxpayers millions of pounds, to this Assembly's great shame. Indeed, astonishingly, there are still some attempting with the hospital in 2021. Which brings us to today's debate, why are we here having a lengthy debate after a fairly substantial vote to finally partially honour the referendum result? There are those who have been maybe unfairly imparted with the motive that it is because of the presence of Senators makes the current disturbing move of the Assembly to the left with reform and their populist allies less likely to succeed, as the Island-wide mandate, in their view, means the correct sort of person is elected to allow Government to function in a smooth manner. If that is the aim and it is only impugned on them, as I say, I am sure that they have different motives but if that is the aim then it is flawed. As we have seen in this Assembly, 50 per cent of the Senators elected in 2018 have not conformed to that model. Indeed, in one case I would venture to suggest that you would have to go back to when young Guido Fawkes wished he had paid more attention in chemistry lessons to find a person less conforming to the smooth running of Government. Even if it was true of Senators that they were more conformist, this is not a satisfactory reason for blocking much needed electoral reform. I would advise the 2 Senators involved in these amendments and in bringing this proposition, both of whom I consider to be very honourable men that I have had the pleasure of working with for the last 3 years, I would ask them to embrace the changes and then work towards bringing the voters a sensible choice as to the political direction of the Island. The choice that I believe the eminently sensible people of Jersey will embrace wholeheartedly and thus reject the rise of the populist left, where it should be rejected through the ballot box and not fudged in a committee room. There are, of course, many other reasons why the Senatorial role has not been working well. Deputy Labey quite correctly suggested the debacle that is the hustings and I have to say it was. I went to view one, I could not put myself viewing another one. After 15 people have answered the same question, the 16th can have very little to add, although it could be said that it set you in a good position to sit in the Assembly where probably many of us are doing that today.

[16:30]

I would also like to address the assumed statement that if you are not elected on an all-Island or all-nation mandate you are somehow lacking. I would remind Members that under that line of thinking the election of Lloyd George by the good people of Carnarvon, Sir Winston Churchill by the people of Epping, Clement Atlee from Deputy Ward's stomping ground of Limehouse, Margaret Thatcher of Finchley; their elections and their leadership would all have been electorally fatally flawed, whereas under the all-nation election, that of Hitler, Stalin and Saddam Hussein, would have been legitimate. Finally, a vital important facet of any democracy is that of fairness and is certainly a fact that it is much more financially difficult to stand as a Senator, hence the substantial difference in electoral allowances permitted under our current law. This gives an advantage to those with substantial private incomes or indeed cash-rich trade unions or is that the idea? As Bob Hope said when J.F. Kennedy was elected President of the United States: "A triumph for democracy, it proves that a millionaire has just as good a chance as anybody else."

3.5.6 The Connétable of St. Ouen:

I will be brief. When we voted on the last proposition, in my view the Assembly spoke and in my mind it is quite simple. To make this proposition work we needed the last proposition to be accepted because the proposition we had before, in my view, severely compromises the equal representation for Deputies that we agreed last December. From my point of view it becomes unsupportable in its

current version. There is some sadness that we will say goodbye to Senators but I am not prepared to vote for something that compromises something that I voted for last year with the new format of Deputies where we have much more equal voter power for the Deputies across the Island. I, sadly, cannot support this proposition and with that in mind I would urge other Members to consider the same point.

3.5.7 Deputy K.F. Morel:

It is always fascinating to hear in any debate the 2 very different sides of an argument both claiming with public support their side. We have heard this today from both sides and it is frustrating because almost always there are facts which can back up both views. But rather than trying to claim the public back, in my view, I will just come out with some facts. The first fact is the 2013 referendum, it did return option B, which was larger districts without Senators. Option C, which maintained Senators, was roundly rejected; that is a fact. Another fact is this Assembly for some unknown reason, it is unfathomable to me, rejected that referendum back then. It was the first time I passionately just could not hold myself in anymore and I came down here, and I have said it before and, as an Islander, I stood on the steps of the Assembly outside in Royal Square and I said to every States Member who walked past me, it was not all States Members, it was only those who walked past me: "Shame on you." Because I was so incensed that they turned their backs on the will of the Island at the time. It does not matter how many people voted in that election, 100 per cent of the electorate was invited to vote in that election. Those who felt that they wanted to do and, as we have heard, 80 per cent of that electorate back then; that is a fact. Another fact is that the Council of Ministers does not bear any reflection to the Senatorial election. When the current Chief Minister, Senator Le Fondré, nominated his Council of Ministers he nominated 6 Senators. He could have nominated 8, he chose to nominate 6. Of those 6, 5 were returned by the Assembly. Today we sit here, 2 more have left the Council of Ministers, so the Council of Ministers has 3 Senators within it. There is no way anybody can claim that the Council of Ministers is a reflection of the Senatorial election; this Government has shown it, previous Governments have shown it. We heard Deputy Alves say that the only poll-topping Senator to hold the role of Chief Minister was Senator Gorst in 2014. We know that the famous one that many people talk about is former Senator Syvret topping the poll and former Senator Frank Walker, I believe and I apologise if I am wrong but he came in in the lowest-eligible place. Senator Walker became the Chief Minister, Senator Syvret did not. There is no reflection for Senatorial elections, bear no reflection on the Council of Ministers; that is a fact. The other idea, so this is an idea, we are moving away from the facts now and going into argument, the Chief Minister should have an Island-wide mandate, that is what people say. Really? Outside of Guernsey, can anybody tell me and I would love them to tell me, of anywhere where the Prime Minister or Chief Minister is elected by the entire nation? Going back into facts, Boris Johnson is elected in Uxbridge and South Ruislip. To be honest, I only discovered in 2017 where Uxbridge was when I had to go there to buy my cat and discovered it is next to Heathrow, I had no idea until then. The electorate in Uxbridge and South Ruislip is 72,000 people; that is the whole electorate in 2010, so it may have grown a little since then. When he was first elected in a general election as the Prime Minister, if you remember he was sitting at the time as Prime Minister because Theresa May had resigned, he was elected with a majority of 5,034, that is the lowest majority for a sitting Prime Minister since 1924, almost 100 years. We heard the Deputy of St. Mary talk about if this reform goes ahead then only one in 9 people will have had the opportunity to vote for future Chief Ministers. Look at the U.K. (United Kingdom), as we often do, in the U.K. only one in 2,367 people voted for Boris Johnson, so one in 9 is something of an improvement on the U.K., where only one in 2,367 people voted for the current Prime Minister. I will move into the realm of fact, argument dressed up as fact, reality is that the distinction of Senators, the distinction that gave them their seniority, has been eroded ever since their term of office was reduced to the same as other Members and their numbers also cut. While maintaining the pretence of fact, while delivering an argument, I would also say that Senatorial hustings are a waste of time. I will use St. Lawrence as an example and I am

currently sitting opposite Senator Mézec who was there and who went, I am sure, to all of them but I only saw the St. Lawrence hustings. In St. Lawrence we had 17 candidates, we had a packed Parish Hall, standing room only. I believe in the 2 hours of that hustings we managed to get through 4, possibly 6 questions; that was it in 2 hours. The people of St. Lawrence were given the opportunity to ask 4 or possibly 6 questions. In the Deputy's election in 2018 where I was a candidate, in 2 hours the Deputy candidates faced 23 questions. My parishioners that I represent today know a lot more about me or knew a lot more about me and my other candidates at the end of their Deputy's election than they could ever claim to know about the Senatorial candidates. They knew nothing, I knew nothing about the Senatorial candidates. I walked away feeling like that was a waste of my time. Why did I just spend 2 hours packed in, and it was sardines at the back, to hear 17 people answer the same question 4, 5, from my memory, possibly 6 times? I have also found it interesting the view that the removal of Senators will lead to the demise of the Parish system. Indeed, I have spoken to one reformist - and by that I mean someone in favour of electoral reform and not a member of Reform Jersey - recently who felt that today's proposals would do the exact opposite and in fact would entrench the Constables in the States Assembly for good. This person I was speaking to is someone who feels that the Constables should not be in the States Assembly. Their concern about the proposals today was that the Constables would never leave the Assembly if they go through. It is fascinating then to hear precisely the opposite argument offered by the people on the other side. I agree with the Deputy I was speaking to recently because if these reforms go through, the Constables will be able to claim they are the link to the Parish; there is no one else. Me, as a Deputy, if I am re-elected, so I will stand in St. Lawrence, St. John and Trinity, I will not be able to claim that I represent solely St. Lawrence. The Connétable of St. Lawrence will be able to claim that, the Connétable of Trinity will be able to claim that and the Connétable of St. John will be able to claim that; I will not. As someone who wants to defend the Constables in the Assembly, I see that as the reason that will keep them here. I do reject the argument that the removal of Senators will mean that in 2026 we will have no Constables in the Assembly. In fact, I ask anyone who feels that they should not be here, and I look across the Assembly again at Senator Mézec, please do not bring any further electoral reform proposals for the next 4 or 8 years. If we get this through today, then this has to be the end of the story for a good decent length of time because we do not need the Assembly talking about the Assembly any more than it already has. Not only do I believe that this move strengthens the Constables' claim to be in the States, I hope that if we go ahead with this it will not only strengthen the Constables' claim to be in the States, it will inject them with renewed energy and dynamism because they will know that they represent their Parish. Every Parish needs that energy and dynamism from its Connétable and I really hope they take this opportunity, get these reforms passed, to show us exactly why Connétables are so, so important and those Parish links are so, so important. I also feel it is interesting that by removing the Senators the Connétables, in a sense, can take that role of Senator in the way that we see in the U.S. They have a bicameral system within the Senate, they have Wyoming returning as many Senators as California or New York. We would have St. Mary returning as many Constables as St. Helier, a similar situation. The Connétables, I hope, will see their role then as that balancing role that the Senators, I believe, in the U.S. are meant to provide and that back in 1948 perhaps the Senators, when they were created here, were meant to provide; that will fall to the Connétables. I really hope every Connétable sees that and plays a role in the Assembly that shows that their wisdom can be brought to the debates. For those who fear the end of the Connétables in the States, I do not believe that this is any reason to fear the end of that role. I believe it does entrench them. I have just spotted, before I sum up, Deputy Guida, my colleague in St. Lawrence, saying that in France they do elect as a nation the Head of State. I was not talking about the Head of State, I was talking about the Chief Minister and the Prime Minister and indeed in France the Prime Minister is not elected by the whole nation. That appeared in the chat in front of us, so I do reject Deputy Guida's intervention there. Please, I feel that we have to move forward. I feel that this is the way forward. I, personally, will continue to defend the role of the Connétables in the States of Jersey. As long as they show that energy and that dynamism and they are bringing their Parishes'

needs and views to this Assembly, then I shall defend them. This will not be a reason for 2026 seeing their demise at all and I will stand against that and I hope that others do too. Please, do not fear voting against Senator Gorst's proposition. I have to state again, I also cannot support Senator Gorst's proposition because it weakens representation in St. Lawrence and there is no way, as a representative of St. Lawrence, that I can do that.

[16:45]

3.5.8 Senator L.J. Farnham:

The removal of Senators simply does not make any sense and I am going to explain the rationale now again for the reason why we have 3 types of Member in our Assembly. We are, as the Constable of St. Helier mentioned earlier, a unicameral system. We have one Parliament, one Assembly and we do not have an Upper House, we do not have devolved Assemblies, we do not have county councils, borough councils, city councils, town councils, village councils; we have the States Assembly. In that Assembly constituencies are represented by the Deputies, the Parishes and our form of local Government are represented by the Constables and the Senators represent our small island national interest and are there for balance and that is why we have 3 types of Member in the Assembly. It is not a hangover from the Jurats, as has been described. It was carefully thought out after the Second World War to provide a sustainable form of government to the Island, operating in a small jurisdiction with one chamber of Government because that really is what our size dictates. Things have moved on perhaps a little bit then but in the context of democracy and size we are still relatively small, that is why we have 3 types of Member. Members will conveniently forget that in their rush to embrace the Anglicisation of our political system because that is what this point ... some Members are not going to be happy until we have a carbon copy of the system used in the United Kingdom and other bigger and great democracies but we are not of that size. It is quite difficult to listen to Members saying that Senators have a high opinion of themselves. Okay, we can all make jokes about that and of course, as Members of this Assembly, we are all ridiculed by the public from time to time; we have got broad shoulders, we can take it. But I cannot recall any of my Senatorial colleagues or indeed any other Members taking that sort of stance or expecting any form of a favour, simply because they hold an Island-wide mandate. What the Island-wide mandate does do is enable the holder to work and make decisions on an Island-wide basis without fear or favour from Parish pressure or Parish interest. That Parish interest is important for the Deputies and the Constables but we need about ... if you look, I think I might have taken a proposition or amendment in what seemed a very long time since 2010, I think, when it was agreed the number of Senators would be reduced to now. I took an amendment or proposition that the Chief Minister should be elected from those holding the Island-wide mandate and there was a reason for that. I know some Members spoke earlier of not understanding the concept of a Chief Minister being returned by a ninth of the electorate or the Chief Minister being returned by a district. The Chief Minister, whoever he or she may be in the future, holds a tremendous amount of influence and has to work without fear or favour of small constituency pressures, in my opinion. I think the Chief Minister also needs to work without having to look over their shoulder at their chances of re-election. I think that would be a difficult conflict to deal with when the Chief Minister is returned by a smaller district. We might call them super-constituencies but in the context of other constituencies, and I was looking not so long ago at the size of the constituencies, and Deputy Ash mentioned some famous Prime Ministers and they were returned by constituencies bigger than our Island in some instances. Of course, the Chief Minister in Jersey being returned with a relatively small number of votes, I think it could, potentially, create problems; it might not. But how would a Chief Minister deal with a very contentious issue in their constituency without fear or favour of repercussions at the next election? That has to be a concern worth more consideration. Then we move to equity against representation and there is no doubt that voter equity improves with more even numbers in the constituencies. But our representation is considerably reduced and that has been dismissed, it is easily dismissed by a number of Members that think it is not important. But in our small Island it is important; representation is important. The

number of Members we return is extremely important, insofar as we have more representatives we can contact for a whole range of issues, whether it be a district, a Parish or an Island-wide. I am not saying you cannot go to your Connétable or your Deputy for an Island-wide issue but you can go to all 3 of them. Every Parish meeting held in the roadshow resoundingly rejected the loss of the Island-wide mandate but those Parish roadshows have been conveniently ignored. I am not sure why the electorate were ignored when the number of Senators were reduced and we are going to do it again now. We are going to remove from the cut, from removing the Island-wide mandate without the permission of the electorate and I think that is absolutely wrong. The referendum we held in 2013 was flawed in many ways. We had 3 choices, an amendment to none of the above being reflected on the referendum sheet was rejected by the Assembly, that is why I believe or that certainly contributed to the turnout being very low. Because so many Islanders did not want either option A, B or C and there was no option for them to reject it in the referendum slips and I believe that is why we did not get the good turnout. We should have held it at the general election time and referendums, in my opinion, should be phrased that can take a yes or no answer. We should be going at the next election with a simple question, as we did with Constables, do the electorate want Senators, yes or no? But that does not appear in the plans of the Privileges and Procedures Committee, unfortunately. This also will not improve voter engagement or voter turnout or the number but how can it when we are removing the role of Senator, the most democratic vote? It simply will not do it. It did not work for Guernsey, it is not going to work for us. Although if it does pass today, then we will have to try and make it work but I think it will be a huge challenge. Senatorial elections do, by far, receive the most engagement and I take on board what Deputy Morel said, although I do not recall seeing him packed into the back of St. Lawrence Parish Hall but I am sure he was there. There might have only been 6 questions for 17 candidates but there were 102 answers given by the candidates from those questions. Believe you me when you are at those hustings you can ask 17 candidates the same questions and get 17 very different answers. The hustings do make a real difference. In the Senatorial election having a good hustings is a really important part of getting elected. I want to turn to the Venice Commission and I ask Members to bear with me for 3 or 4 minutes because I want to refer to the excellent comments of the Comité, to P.126/2019 and I am going to quote from that and this will take a couple of minutes but it is worth listening to carefully: “Jersey remains at present what is known as a consensus-based system of which there are few in the world. This means that its politics largely lacks political parties, whereas the Venice Commission, when addressing the requirements of democracy, assumes that party politics are central to elections. In Jersey the main aim is to elect the people who will have to form a consensus.” That is team politics and not necessarily party politics and, one of the, I think, great things about our consensual system is that we can all agree to disagree at times and we can all vehemently disagree on one issue but we can work collaboratively on the next issue: “This makes the relative size of each Member’s electoral mandate less sensitive. For example, no one thought to compare in the Chief Ministerial election if Members supporting the defeated candidate in fact represented more voters than the successful one. As no one was elected for the purpose of backing one or other candidate, it was irrelevant in the Jersey system as it is presently operating. All systems and institutions should be called upon to justify themselves from time to time. The principal factors present in Jersey depend upon how Parish identity is viewed. How this should be viewed is not a matter of international law, it is a matter of local identity in the jurisdictions where the issue arises. It is common for countries to ensure disproportionate representation for smaller component parts. Countries which systematically practise degressive proportionality in one form or another are likely to be told to consider changing but, properly understood, that is not to say they are non-compliant with the Venice Commission but rather they are judging themselves to be exceptional cases. There is no sign of an international condemnation of that response. One such example would be Andorra; it not a federation, however, each of its 7 Parishes have 2 legislators, regardless of size, with a further 14 nationally-elected members. Other clear examples of this principle in the lower legislative house are India, Spain, Canada, Argentina, France and Australia. The Venice Commission states that constituency boundaries may also be determined on the basis of geographical criteria and

the administrative or indeed historic boundary lines, which often depend upon geography. So while we might strive to comply with the Code of Good Practice in Electoral Matters guidelines and other international covenants, we must be mindful that exceptions are permissible. The permissible departure from the norm of not more than 10 per cent to 15 per cent should only be in special circumstances, such as the protection of a concentrated minority or sparsely populated administrative entity.” When we look at Jersey’s unique culture and heritage we more than comply and qualify for that exemption. We must resist the Anglicisation of our electoral system. We must accept that we do not have to be the same as everybody else. Our systems have served us well over the decades. Quite often it is not the system but very often it is some of the people within the system that do not make it work. Our electorate want us all at times to work much more closely together and our system allows for that to happen. Parties, if the people of Jersey wanted parties, we would have them. There are signs we could be heading in that direction but I do not see any great appetite from members of the public to form parties. Indeed, all of the parties that are being formed and the ideas are coming from within the Assembly; it is the wrong way round. Parties should be formed in the country and then make their way into the legislature. I have spoken and I have campaigned to maintain the Island-wide mandate for over 10 years and I hope Members take my contribution in the spirit in which it is intended. It is not for wrecking.

[17:00]

But I honestly believe firmly and with all of my heart that the Island-wide mandate and maintaining it is for the best interests of our Island democracy. I urge all Members, whichever way they voted last time, to think very carefully which way they vote now and of the potential consequences.

3.5.9 Deputy G.P. Southern:

I will try to be brief. We are being bombarded by the poser of this amendment to justify that the place of Senators is unique and that they are very able and capable at dealing with Island-wide issues. I look at some of the issues I have been involved in, deliberately or otherwise, and I think why should I, a humble Deputy, be bothering with these Island-wide issues? Why do I not just bundle them together and give them to the nearest Senator and say: “You deal with it, you deal with Island-wide issues, because I am getting tired.” The writer of legislation and recognition, which I use, Discrimination Law, it is back in July when we all wanted to go on holiday, the subsidy for G.P.s (general practitioners), so that G.P.s are now only £12 and not £45. Island-wide issue. Income support to lone parents, we scrapped that at one stage, got involved. The living wage that we now are attached to and support. Why not give that to the Senators and say: “Sort it, please”? Funding for the Town Park, you might call that a local issue, but that green space is an Island-wide issue. Gas prices, remember that, winter, dear oh dear. Redundancy pay, initiated by the crisis with Woolworths. Each of those, Island-wide significant issues. I, a humble Back-Bencher, involved myself in them, sometimes with good end. I am persuaded not by the proposer and his supporters that somehow being a Senator is special. It is not. We have the same duties, same obligations, whatever our status. There is no need for this complicated third level of representation, 2 is ample. I would argue 2 is too many, but 2 is ample.

The Bailiff:

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

3.5.10 Senator I.J. Gorst:

It is never straightforward to sum up a debate when on the one hand one can see the writing on the wall from listening to the speakers during the debate. But Senator Farnham’s recent speech encapsulated why it is right for us to, right now, on the verge of removing the Senatorial office in law from Jersey, to think again. We have heard lots of arguments. We have heard lots of opinions.

We have spoken about the referendum and of course there was also the referendum to keep Constables in the States. This now is the time for decision. As I said right at the start, in order to change and move forward, and institutions always need to change and renew themselves and respond to the modern world, but in order to deliver change a balance and a compromise has to be sought. That really is what this decision is about. Because, if we look back to the campaigns for the referendum, and I am absolutely delighted that we are now joined in this Assembly by the Connétable of St. John. He touched on his involvement successfully in that campaign and others around him. He did an excellent job. Back in 2013, the States rejected the result of that referendum. Of course things have changed since then. So the States rejected that referendum, just as they rejected the changes that Clothier had suggested. Some of those who supported option A have now, as we have heard in this debate, compromised to support option B, which is what the P.P.C.'s proposal now is. Some of those supported option C, which was no change, but of course that campaign group also ably led said: "Change, but not this change." That was their strapline. But option C was for no change. Some of those who supported option C and are now sitting in this Assembly and have sat on P.P.C. now have moved in support of option B. I, like them, with the passage of time, mindful of all of that detail and reference back to international bodies that Senator Farnham ably reminded us of, are now concerned that all these years down the line, if we do not step forward carefully, we may in fact lose something, which, as I have said, our sister isle have recognised and they have gone to an all-Island-wide mandate. So there is an option for change today and it is not just, as some speakers suggested, barely any change. It is the change of moving to larger districts or super-constituencies, whichever one wishes to call them, and at the same time retaining the office of Senator. I have to say I like the history lesson of the Deputy of St. Ouen. But we can of course always learn from history. We cannot be in any doubt that the office of Senator has served our Island and our community well. I see on social media that some have commented that I am the very embodiment of why we should remove Senators from the States. But that was posted by somebody, if we do not accept this amendment today, who lives in a different Parish. I do not want to get into an east versus west argument in this debate, I will just lose votes. But would then have no influence over whether I was successful in a future election or not. It is important and I know we have had a conversation and comments have been made about this Government not being made up or now only containing 3 Senators. That is of course correct. But I do not recall in the past any suggestion or assumption coming post an election that the Chief Minister would not be drawn from the Senatorial ranks. That will change. I was a little surprised that some suggested that because it happened elsewhere then that was okay for us as well. I am not personally of that view. I also want to just touch on the issue of voter equity. I know Deputy Morel said that, having supported Senator Farnham, he did not feel able to now support me because my proposal takes one Deputy out of each of the new districts and recreates the 8 Senatorial seats. So I am confused by those who think that changes the voter equity because I do not believe it does. Every Islander who is registered to vote will, under my proposal, have one Deputorial vote removed from the proposal of P.P.C. but be given back 8 Senatorial votes. Increasing their influence in the makeup of the Assembly and, as I said, in the potential makeup of the Government and the Scrutiny functions. That can only be a good, positive thing. So the question is: where for us today in this Assembly does that balance lie? I was interested that some speakers indicated their belief that, by removing the office of Senator and introducing large electoral districts, that we would see voter turnout increasing. Yet there has been no evidence presented today that would be the case. In fact, the only evidence that we might be able to consider is the evidence in our sister isle. That is when they moved from large constituencies to the all-Island-wide mandate then voter turnout went up. There is a very real possibility that, by removing the office of Senator, what may happen in 2022 is that voter turnout may worsen. But of course voter turnout is not just about the constitution of the States. As others have said, there are many, many other elements that make up why Islanders do or do not turn out to vote. Whatever the result of this vote is, and these legislative changes are today, we owe it to the Island and to the electorate to do that piece of work, to encourage turnout. Because I do not think that our system is overly complicated. We have 3 offices. They are

not difficult to explain. They are unique. But should that mean that we then reduce them just because we are unique?

[17:15]

Just because our approach is unique. I do not think it does and I do not think any argument has been made to make that case. In fact, Senator Farnham made a strong case for why that does not need to be the case. I know the chair of P.P.C. indicated that, because I had mentioned Guernsey and their single-member all-Island-wide mandate that, by retaining the Senators we were more likely to lose the Constables, I refute that argument. In fact, Deputy Southern just said a few moments ago that 2 categories of States Members is too many. I have over time started to become concerned that by removing the office of Senator we are setting on a road. Perhaps we did it when we initially removed 4 of the Senators. But by making a momentous decision today to remove the office of Senator, the challenge will come, and it will be more difficult to argue against, that 2 categories of Members is confusing and is not like anywhere else. So we should simply move to one. I think we all in our heart of hearts know that, if that argument came, it would be the office of Connétable that would be the one that would be removed. I, for one, do not want to see that happen. Perhaps I try not to be personal on these occasions, but as an adopted son of this Island I absolutely recognise we have many uniquenesses that make us the special place that we are. Our parochial system and Constables sitting in the States is one of them. We would remove them I believe at our peril. I have slowly come to the conclusion that today is not the day that we should remove the Island-wide mandate from our electoral makeup. I do not believe that a strong case has been made to remove it. I believe the case has been about administrative difficulty, about hustings, about the cost of entering those elections. Yet it is suggested to us that is a reason to remove the Senatorial office. But we will create larger constituencies where it will be more costly for Deputies to stand and run a campaign. I do not think that argument runs logically together either. So we come down to it is difficult and complicated to explain and Islanders do not understand it. So we will get rid of the most-democratic office in the States. I do not think the solution proposed today is the appropriate one to answer the question of why Islanders find our system so complicated to understand. I am sure many of them do not. But those that do, and we must, as the Chief Minister said, look to ourselves and our own failings in explaining our system to this generation and to the next. It has been a good debate and I know that each of us feel it keenly. There have been passionate speeches on both sides. I think we can have change. We can have a step change for the next election. The next Assembly can decide then the future steps. Change of large districts, keeping the Constables in the States, and retaining the Senatorial office. All of us come to each of these debates with our own opinions, the way that we have been lobbied or contacted by parishioners and our electorate, and we each have to make up our own mind. I am not sure that this issue would go away if we vote to remove the office of Senator today, as it did not go away in our sister isle. So I ask Members to think very carefully before they decide to vote against this amendment and, for us, remove the office of Senator. I do not want to be a part of that. It is an office worth fighting for. It is an office worth retaining. It is the most democratic office of the 3. So why would we remove a democratic office to make the overall system better? Because I do not think it does. With that I ask for the *appel*.

The Bailiff:

The *appel* is called for. I ask the Greffier to place a voting link into the chat in the usual way. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The amendment has been defeated:

| POUR: 16 | | CONTRE: 29 | | ABSTAIN: 0 |
|----------------------|--|----------------------|--|-------------------|
| Senator I.J. Gorst | | Senator T.A. Vallois | | |
| Senator L.J. Farnham | | Senator K.L. Moore | | |
| Senator S.C Ferguson | | Senator S.W. Pallett | | |

| | | | |
|----------------------------|--|----------------------------|--|
| Senator J.A.N. Le Fondré | | Senator S.Y. Mézec | |
| Connétable of St. Lawrence | | Connétable of St. Helier | |
| Connétable of St. Saviour | | Connétable of St. Clement | |
| Connétable of St. Brelade | | Connétable of St. Peter | |
| Connétable of Grouville | | Connétable of St. Ouen | |
| Connétable of Trinity | | Connétable of St. Martin | |
| Connétable of St. Mary | | Connétable of St. John | |
| Deputy of Grouville | | Deputy J.A. Martin (H) | |
| Deputy S.M. Wickenden (H) | | Deputy G.P. Southern (H) | |
| Deputy of St. Mary | | Deputy K.C. Lewis (S) | |
| Deputy G.C.U. Guida (L) | | Deputy M.R. Higgins (H) | |
| Deputy of St. Peter | | Deputy S.J. Pinel (C) | |
| Deputy of Trinity | | Deputy of St. Martin | |
| | | Deputy of St. Ouen | |
| | | Deputy L.M.C. Doublet (S) | |
| | | Deputy R. Labey (H) | |
| | | Deputy G.J. Truscott (B) | |
| | | Deputy J.H. Young (B) | |
| | | Deputy L.B.E. Ash (C) | |
| | | Deputy K.F. Morel (L) | |
| | | Deputy M.R. Le Hegarat (H) | |
| | | Deputy S.M. Ahier (H) | |
| | | Deputy R.J. Ward (H) | |
| | | Deputy C.S. Alves (H) | |
| | | Deputy K.G. Pamplin (S) | |
| | | Deputy I. Gardiner (H) | |

The Bailiff:

Before moving towards the adjournment, clearly there has been a lot of activity within the chat relating to the arrangements for future business. The suggestions range from sitting very late tomorrow or moving to Friday as a continuation day. Deputy Martin wishes to speak.

Deputy J.A. Martin:

It is becoming more and more apparent that this is going to be a long debate and quite rightly so. But we have 2 massive pieces of legislation and people are sitting about wanting to know when they can travel and under what rules. Then there is also the fishing, which must be done by Friday. I have taken a guide by the chat and I am going to propose that we make Friday, apparently it has to be proposed although some people think it is a natural continuation, that it gives people more notice in that if we do not finish we must sit Friday to finish everything. We are going home at 5.30 pm. We finish on Friday and we will stay until we need to on Friday. I propose that. Thank you.

The Bailiff:

So you propose Friday as a continuation day, Deputy?

Deputy J.A. Martin:

Yes.

The Bailiff:

Is that proposition seconded? [**Seconded**] Does anyone wish to speak on that proposition?

Senator L.J. Farnham:

It was also raised in the chat about the urgency to deal with the Safer Travel proposition as soon as possible because of the uncertainty and disruption it could potentially cause if we do not. I am not sure when we can agree the timing on that because I think it should be the next item on the agenda.

The Bailiff:

Let us deal with the continuation day first and then consider the arrangement for future business if that is appropriate, Senator. Does any Member wish to speak on the proposition to have Friday as a continuation day?

Deputy R.J. Ward:

I just want to say, when we went to 3-week sittings, it was made clear that one of the consequences is that we may need to use Friday as a continuation day. Now that is coming to fruition and we need to do that rather than just trying to stay late on Thursday. If we do have to stay late on a Friday that is a slightly different situation. But I would support Friday as a continuation day.

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

I would just ask that, in future, if we are facing a debate of this importance, which looks like it is going to go over the 2 continuation days, that we have consideration earlier than this possibly, but certainly with more notice so that people can consider maybe one or 2 choices. Because in the past we have used Tuesday of the following week as a continuation day or the Monday of the following week. It is important for those of us with caring responsibilities that we can make arrangements. Also, it is more efficient if perhaps an email could be sent around with any proposed continuation day in advance rather than deciding on the hoof like this so that Members can properly consider and make arrangements for any responsibilities that they have.

[17:30]

The Bailiff:

Does any other Member wish to speak on the proposal that Friday is a continuation day? If no other Member wishes to speak then I close the debate and call upon Deputy Martin to respond.

Deputy J.A. Martin:

Like Deputy Ward, I did not know Fridays could be used. But you can only judge a debate as far as it has gone and we have only done the 2 amendments. We have not even got on to election day yet. I have been sitting here quietly all afternoon thinking and people are sort of out in the world wanting to know do I press that button and book my flights. Then we have the emergencies. So I apologise again to Deputy Doublet and any other Member who have caring. I am cancelling meetings. It is what it is and that is fine. I propose that is the way forward. Friday will be a continuation day if needed and if we keep our speeches short and we do not keep repeating it might not be. We have to sit Friday until we finish the business that is absolutely needed until what time it will be.

The Bailiff:

I will put this to the vote. I would ask the Greffier to put a vote in the chat. I open the voting and ask Members to vote. The vote is using Friday of this week as a continuation day.

Deputy R.J. Ward:

Sorry, I should have asked, does that mean that there will not be an extension on the Thursday?

The Bailiff:

No, that is a separate question. That has not been voted on yet. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted:

| POUR: 40 | | CONTRE: 0 | | ABSTAIN: 0 | |
|----------------------------|--|------------------|--|-------------------|--|
| Senator I.J. Gorst | | | | | |
| Senator L.J. Farnham | | | | | |
| Senator S.C. Ferguson | | | | | |
| Senator J.A.N. Le Fondré | | | | | |
| Senator T.A. Vallois | | | | | |
| Senator K.L. Moore | | | | | |
| Senator S.W. Pallett | | | | | |
| Senator S.Y. Mézec | | | | | |
| Connétable of St. Helier | | | | | |
| Connétable of St. Clement | | | | | |
| Connétable of St. Saviour | | | | | |
| Connétable of St. Brelade | | | | | |
| Connétable of Grouville | | | | | |
| Connétable of Trinity | | | | | |
| Connétable of St. Peter | | | | | |
| Connétable of St. Ouen | | | | | |
| Connétable of St. Martin | | | | | |
| Connétable of St. John | | | | | |
| Deputy J.A. Martin (H) | | | | | |
| Deputy of Grouville | | | | | |
| Deputy K.C. Lewis (S) | | | | | |
| Deputy M.R. Higgins (H) | | | | | |
| Deputy S.J. Pinel (C) | | | | | |
| Deputy of St. Ouen | | | | | |
| Deputy L.M.C. Doublet (S) | | | | | |
| Deputy R. Labey (H) | | | | | |
| Deputy of St. Mary | | | | | |
| Deputy G.J. Truscott (B) | | | | | |
| Deputy J.H. Young (B) | | | | | |
| Deputy L.B.E. Ash (C) | | | | | |
| Deputy G.C.U. Guida (L) | | | | | |
| Deputy of St. Peter | | | | | |
| Deputy of Trinity | | | | | |
| Deputy of St. John | | | | | |
| Deputy M.R. Le Hegarat (H) | | | | | |
| Deputy S.M. Ahier (H) | | | | | |
| Deputy R.J. Ward (H) | | | | | |

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

The Bailiff:

The Assembly will continue on Friday if it does not finish its business tomorrow. Two other points have been raised in the course of the discussion. The first was as to the ordering of Public Business and whether that needs to be taken this evening or not is a matter for Members. The second is whether we sit late tomorrow evening, whether that needs to be taken this evening or not, as the case may be, is a matter for Members. Senator Farnham, do you wish to speak?

Senator L.J. Farnham:

I would like to propose that the next item after the item we are dealing with, given the time sensitivity, is the Safer Travel Policy proposition, P.34. Given the fact that our red-amber-green system is due to commence from the 26th, we really need to agree that and deal with this proposition as quickly as possible because Islanders, visitors, our transport partners, are on tenterhooks at the moment wondering what on earth is going to be happening. It needs to be dealt with as a matter of urgency. So I would like to propose that as the next item after this current item.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on that proposition?

Deputy R.J. Ward:

As chair of the panel that is bringing the proposition, we are more than happy to do that. We would have taken it at the beginning if we had the chance.

The Bailiff:

Does any other Member wish to speak on that proposition, which is to take P.34, the Safer Travel Policy issue, next after P.17? No Member wishes to speak. I close the debate. Do you wish to respond to that, Senator Farnham?

Senator L.J. Farnham:

No, thank you.

The Bailiff:

If anybody wishes me to take a recorded vote then we can. But would people please indicate in the chat if they wish a recorded vote to be taken, otherwise I will take it as a standing vote. Nobody has indicated a contrary view or wish. Therefore, this is approved on a standing vote.

Senator L.J. Farnham:

Can I propose the adjournment?

The Bailiff:

The only other question was whether anyone wishes to discuss staying late tomorrow, which was the other point raised. That is a matter that could be considered overnight. It could depend upon how we are going tomorrow and it might well be that Members wish to keep their powder dry until tomorrow morning. But that is a matter for Members.

Senator L.J. Farnham:

Could I propose the adjournment and we sleep on the other matter?

Deputy C.S. Alves:

In light of what Deputy Doublet mentioned there with regard to giving people as much notice as possible, it would probably be wise to propose sitting later tomorrow now so that people have ample time to put in any arrangements that they need to.

The Bailiff:

So when would you propose the Assembly sit?

Deputy C.S. Alves:

To sit late on Thursday, tomorrow.

The Bailiff:

Yes, but how late? In the sense the Assembly just then makes a decision towards the end of the day, are you suggesting at this point we decide to sit for a further hour, a further 2 hours, to finish the Public Business then before the Assembly? There are a number of ways in which you can propose that.

Deputy C.S. Alves:

Can I propose that we sit until 6.30 p.m. tomorrow?

The Bailiff:

Is that seconded? **[Seconded]**

Deputy L.M.C. Doublet:

I just wanted to clarify something, and I thank Deputy Alves, I can see she is trying to be helpful. Just to clarify, and again I am not just speaking for myself because there are many with caring responsibilities in the Assembly and I would like to see many more be able to access and be a States Member, those with caring responsibilities. So the ideal situation is having notice of when we are going to decide a continuation. So, if the chair of P.P.C. felt that she could specify something that she was going to propose first thing tomorrow morning that would be especially helpful. Because then, in the morning, after I have had conversations about making arrangements, I will know exactly whether I can do that or not. I will know exactly whether I can vote *pour* or *contre* to that suggestion. I hope that helps.

Deputy S.J. Pinel of St. Clement:

Members will be well aware I am not in favour of long speeches. We seem to have had an extraordinary number of them today. If we had not, without repetition, we could have finished by today, if not tomorrow. So extending tomorrow night into Friday, I understand caring responsibilities, I have that as well. I just think that we need to curtail the speeches and not drag it on for another few days.

The Bailiff:

We have already voted to continue until Friday, Deputy. This is about whether people stay late tomorrow until 6.30 p.m., which is what is currently proposed by Deputy Alves. If the proposition is not to be withdrawn in the light of the intervention by Deputy Doublet, and I make no observation on that one way or the other.

Deputy T. Pointon of St. John:

I am concerned that we are considering extending tomorrow evening when in fact we already have a day set aside next Tuesday primarily for discussion of sea fisheries, I have in my diary anyway. May that serve as an extension to this session if Friday does not see an end to the business?

The Bailiff:

I have nothing in my diary for next Tuesday. I do not know if anybody else does. There is a lot of shaking of heads. I am afraid your diary might not be accurate on the point.

Deputy C.S. Alves:

In light of the comments that have been made, can I withdraw that proposition please?

The Bailiff:

Does any Member disagree that this proposition can be withdrawn at this point and the matter revisited first thing in the morning?

Deputy J.H. Young:

I am happy with that but I feel I must clear up the point that Deputy Pointon made about the fish thing. It does have to be dealt with on Friday because it does not come into force until 7 days after, which takes it to 30th April, which is the very last day. So that is why I pushed for the Friday.

The Bailiff:

If we are in some difficulty, Deputy Young, then of course you can ask to have it taken earlier in the order of business and not at the very end, if that is necessary. That is a matter for the Assembly of course.

Deputy R.J. Ward:

May I just say that we have agreed to Friday as an extension day and it seems logical to me, and for caring duties for those who have them, finish on time tomorrow and the one day to be extended would be Friday if we need to. When we went to 3-week sittings we knew this would arise and now it has arisen. So we can sensibly approach the debates tomorrow knowing the timescale that we will be here on Friday. It is better decisions are made if we are here not until very late at night every night. It is very important decisions that are to come. But, if we have to extend Friday, then we have to extend. If we have to come back after that, then we have to come back. That is the consequence of 3-week sittings and we should be looking to apply that.

The Bailiff:

No one has indicated that they oppose Deputy Alves withdrawing the proposition at the present time. If anyone does oppose that could they indicate now, otherwise I shall treat that as withdrawn. Very well, Deputy Alves, you have the agreement of the Assembly to withdraw the proposition at this time. Is the adjournment proposed? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:40]