

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 3rd MARCH 2011

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

[09:31]

PUBLIC BUSINESS – RESUMPTION

1. Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201- (P.199/2010) - resumption

The Deputy Bailiff:

Minister, the position is for you now to reply.

1.1 Senator A.J.H. Maclean:

I am sure I am not the only one feeling a little fresher than if I did my summing up yesterday. I will try and be as brief as possible, Sir, but I note that you were not here yesterday so I will try to ensure that we have enough detail in so that everyone can understand. [Laughter] I would also like to start on a positive note. I would like to start by congratulating the Economic Affairs Scrutiny Panel on completing their review so quickly. Unfortunately there are one or 2 errors that will need to be addressed [Laughter] but I will deal with those in due course. Nevertheless I think it is fair to say that the panel worked hard to produce the report in the time they did and I know the chairman of the panel made this reference yesterday, but the officers in his panel worked exceptionally hard, as indeed the officers did at Economic Development and indeed with the Jersey Gambling Commission in order to bring together the report and to attend the various hearings. To begin, I am going to deal with the Scrutiny Report itself. Most of the questions raised in the debate relate almost directly to it. Firstly, as background, the panel state in their report that they decided to undertake this review for 4 principal reasons. The first reason given was that the title was confusing to a number of Members. I do find this slightly strange. The title follows normal practice, carrying the existing name with the word “Amendment” clearly stating that the Draft Disaster Recovery Regulations are to be amended. The first reason that it was confusing was the concern, and it was raised in debate I think by the Deputy of St. Mary and also by the chairman of the panel, but this confusion in the title was cleared up very clearly in my view in the first sentence of the report. This clearly stated, as Members will have noted, that the purpose of these amendments is to make lawful by licence the continuous operation of eGambling. So I think it was very clear to everyone exactly what we were intending. Indeed this opening sentence of the report certainly should not have been a surprise to the panel. They have been aware due to numerous panel hearings during 2010 about our priority, about bringing forward an eGaming regime. Indeed at the last panel hearing in 2010 on 14th December the minutes confirm that we informed the chairman and the panel that we would be lodging the amendment to the Disaster Recovery regulations to allow eGaming. That was clearly stated in December. The second reason given in the report for this review was that eGaming was not included in the modernisation of the gambling legislation yet, as I have stated, the panel has been aware for months about the intention. The advice we received said that the quickest and easiest way to introduce an eGaming regime after the Assembly had approved the principle in 2010 was by amending the existing Disaster Recovery Regulations. The third reason for the review was that no codes of practice had been produced or published by the Gambling Commission and this was a point raised on a number of occasions by both the panel members in their comments yesterday. But I have to say that it would be, and I hope Members agree, premature and indeed costly to produce and consult on Codes of Practice before this Assembly had even approved the amendment. This process I have to emphasise is not unusual. Exactly the same process occurred in the U.K. (United Kingdom). The U.K. Gambling Act came into force in 2005 without licence conditions and without Codes of Practice. These were issued later in 2007 although of course the delay as far as we are concerned is going to be a matter of months, not an extended delay as indeed the U.K. had. The final reason for the review was the panel’s concern that if this amendment is passed it will come into force in 14 days, but that is exactly what amending regulation allows. It is a well-trodden path, as I am sure Members are

aware. In certain circumstances it is a route that adds speed to market, that can prove vital in an increasingly competitive world. But I must emphasise, as I am sure Members would expect, that no eGaming licences will be issued until the Codes of Practice are consulted upon and agreed. To put this into context, it would take several months to process an eGaming full licence application with all the due diligence that is required. There is therefore plenty of time to ensure the codes are properly consulted upon and introduced. I would now like to briefly deal with the findings and recommendations of the report. These directly relate to many of the questions that both Deputy Higgins and the Deputy of St. Mary were asking yesterday. The recommendation on page 5 would like all major changes to be through primary legislation. In many areas, especially finance, this would quite simply not be a practical route to take. As I have said, speed to market is vital in a competitive world. The second recommendation is that when draft amendments to existing legislation are lodged they are accompanied by marked-up copies to show the differences. I accept there is certainly some merit in this recommendation and we will certainly try to accommodate it where we possibly can. It is a point that has been raised before and I think we have indeed tried with the panel to do this. On page 6 of the findings it states that a full public consultation on the way the regulations would work should have been taken. Now the principles of an eGaming regime were indeed widely consulted in a public consultation. Despite the highly emotive subject there were only about 30 replies from groups and individuals. It would not be effective or practical to have a public consultation on individual regulations which are complex and technical. In fact I can barely think of any other existence where we would go out to consultation on regulation legislation that is coming forward from a technical point of view. The important point is that our regulations meet or exceed international standards. I am absolutely confident that they do, especially as just about every other jurisdiction now has eGaming legislation. We are not exactly trailblazers in this particular area and therefore our experts have had plenty of time to consider and assess the legislation in place in other jurisdictions.

[9:45]

On page 11 the recommendation is that no eGaming licences should be issued until the Codes of Practice have been approved, but as I have already hopefully clearly stated, no licences will be issued until the code is approved. On page 18, under findings, the panel were concerned that little progress has been made on determining health and education provisions. This is not directly relevant to this amendment which, if approved, will not create or generate any more gambling in Jersey, but nevertheless the finding is wrong. A great deal has been achieved in a very important area of social responsibility and harm reduction. Firstly I would make it clear, because I think the panel might be confused on this issue, that the Shadow Gambling Commission had a very limited budget and no powers. It was purely an advisory body. Until the Gambling Commission (Jersey) Law 2010 came into effect in October 2010, only 4 months ago, there was no means to ensure that responsible gambling programmes were adopted. The policy has been clear from the outset, social responsibility is a matter that the industry must address and pay for, not the taxpayer. Until last October there was no effective regulation of the existing gambling industry in Jersey. There is currently no provision to address problem gambling issues. However the Gambling Commission has already been successful in encouraging bookmakers to stock problem gambling literature. The Commission have had detailed discussions with gambling charities in the U.K. such as GamCare and the Gordon Moody Association to provide their services to problem gamblers here in Jersey. This will also give us valuable real life data on problem gambling that may exist in the Island. We expect the figure to broadly follow those identified in U.K.-prevalent studies, as they do indeed elsewhere. Health and Social Services have also been involved and they have been considering ways in which they can assist in providing an on-Island facility for the counselling and support of those who suffer from problem gambling. Tacade, specialists in educational therapy, have been consulted and indeed have visited the Island. A social responsibility panel has been appointed, a social responsibility fund has been established and bookmakers have already made voluntary contributions to this particular fund. If these regulations are approved more can and will be done as

greater funding becomes available through new eGaming licences. Members may be interested to know that Jersey is the first jurisdiction to set up a social responsibility fund in this area. There is more to do in this important area but a good start has been made in a short period despite the impression that Members might have got from the comments that were made yesterday. The panel recommendation on page 18 asks the Minister for Economic Development to make a statement in the summer of 2011 on the progress in relation to education and health strategies and programmes to address social harm reductions. I can state today that I am more than happy to make such a statement this summer. The final finding on page 25 was questioning the economic value of eGaming. The panel effectively questioned the validity of a KPMG report into the value of eGaming in Guernsey and Alderney, whose reported findings in both the *Guernsey Press* and the *Financial Times* state that the industry is worth £50 million in Guernsey in 2009 and that is up from a figure of £7 million in 2007. The panel were also sceptical about the Isle of Man's published results that show £91 million was spent in their economy as a result of eGaming activity and an approximately 18 per cent increase in jobs was also recorded in the sector. Members might be interested to know that Jersey companies, including I may add Jersey Telecom, are investing in Guernsey as a direct result of eGaming where they are building new data centres. I want to see that business here in Jersey. Jersey needs that type of investment and Jersey certainly needs the job opportunities that would follow. Some of the specific questions that I have not already covered, which I would just like to briefly address, Deputy Higgins asked about how the Commission can ensure it can assess the true yield of licensed operators. The answer to the question is through their published accounts. He asked about source codes. There is some significant detail regarding source codes, it is again a relatively technical issue but under Regulation 15 this repeals Regulations 16 and 17 of the principal regulations. Regulation 16 currently imposes statutory conditions restricting the hosting of source codes. If necessary Codes of Practice may deal with source codes and supplementary conditions may be imposed to regulate their storage. Source code is that which is written by game developers in software development houses. This software is then compiled so that it becomes computer code and therefore unintelligible to human understanding. Further testing takes place and once authorised moved on to the game production servers. The prevention was adapted in line with requirements placed by other jurisdictions earlier on in the last decade and is now out of step with international requirements purely on common sense terms. The original prevention of hosting source codes has been researched and found to be uncommon business practice. The premise was to prevent the use of live servers for any form of development of testing of the code, with a clear intention to protect the operator from any hacking attempt to doctor the code. However the industry is wise to this danger and the provision is now redundant. I hope that addresses the Deputy's concern in that area. The Deputy of St. Mary asked whether the levy - in fact it is fees- were too low and were we in a race to the bottom. Well, fees are appropriate to cover regulatory costs. They are also in line with other well-regulated jurisdictions, a point that was raised yesterday as well. He asks about harm reduction, which he described as the key issue and he is absolutely right, it is a key issue for the Gambling Commission which this House approved last year. It is a key issue for me as well and that is why the Commission was approved and why I was so keen to bring it forward for the approval of this Assembly. But it is not relevant to this amendment, which does not seek to add any further gambling here in Jersey. He asked about tax from operators but as the Deputy must know under Zero/Ten there will be no direct tax revenue, and I can see Deputy Southern smiling; it is a question he has asked time and time again and that is the case. There will of course be taxation from staff who in the future would be employed either directly or through other existing businesses in the Island in this area. But the benefits to the economy are extensive and I have alluded to these already. They have been evidenced in many other jurisdictions. In addition there is a future provision for a levy on licensed operators to allow flexibility to raise further revenue if that is thought appropriate, and I should stress here with regard to the potential use of the levy in the future, we are the only jurisdiction that has that as a statutory provision within our regulations. The Deputy also asked about Regulation 8(1)(ea), that deals with the Disaster Recovery Licence which might go on for perhaps too long.

The Commission will be vigilant in this matter and it would seek to move the operator on to a full licence, should this be the case. Regulation 11, the Deputy was concerned about licensing conditions in other jurisdictions, but an operator who is then licensed in Jersey would need to meet the conditions and standard prescribed in the Jersey law. The Deputy asked about Regulation 31 which refers to level 4 fines. That level of fine is £5,000 and it is based on a per infraction basis. I believe that I have covered all the relevant questions raised. This is a tremendous opportunity for Jersey to exploit one of the best eCommerce opportunities that I believe is currently available. This is an opportunity for genuine economic diversification; it is an opportunity that will make gambling in Jersey safer. It will raise revenues; it will create jobs from a well-regulated sector. I very much hope that Deputy Higgins will now support this amendment, especially as he was the one who brought the amendment to the Strategic Plan, amendment number 10, which was seeking greater economic diversification. I maintain the Regulations.

Deputy M.R. Higgins of St. Helier:

Can I just seek a point of clarification from the Minister? First of all he mentioned that the Gambling Commission had only just been created and did not have the funds. Well, the States passed the law in 2010 but the debate was in December 2009 when we approved the Gambling Commission and they were given sums in excess of £220,000, which could have been used for the harm reduction.

The Deputy Bailiff:

What is the clarification you are asking the Minister?

Deputy M.R. Higgins:

Sorry, I am going to come to this now.

The Deputy Bailiff:

You are not allowed a second speech.

Deputy M.R. Higgins:

Okay, thank you, Sir. I will just come to the question, then. One of the questions I did ask yesterday was that there was concern that Jersey could be very much used as a brass plate for some gambling entities in the sense that their servers do not necessarily have to be located within the Island, and therefore you can have a Jersey person which can be an individual or a partnership or a company here and they pay the appropriate regulatory fee, but their operation may be elsewhere and therefore we will not get the benefit of increased bandwidth and so on. So how are they going to make sure that they have got proper control of these operations and we are not just being used as giving them perhaps the much better reputation than they would otherwise have?

Senator A.J.H. Maclean:

I would say that that is another question but nevertheless I am happy to answer it.

The Deputy Bailiff:

I am not sure if it was raised yesterday or not, but if it was raised yesterday then it is a proper point of clarification.

Senator A.J.H. Maclean:

That is fair enough, and I am happy to answer it. No, I do not consider that the Island would be used as a brass plate. Of course there are servers in more than one jurisdiction, that is one of the reasons that this Assembly approved the Draft Disaster Recovery Regulations so that companies can have a back-up facility, but the bottom line is that businesses that are licensed in Jersey have to be what was described - and I explained it yesterday - a Jersey person, they have to be a Jersey-

incorporated entity and to do so they are going to be regulated here and the Commission has the necessary powers in order to do that.

Deputy R.G. Le Hérissier:

Can I ask a further point of clarification? The speaker mentioned the £50 million with reference to Guernsey. Is this £50 million net benefit or is this £50 million turnover? What is the turnover and what is the net benefit?

Senator A.J.H. Maclean:

It is the value to the economy, it is estimated value to the economy, but not fee income, it is value to the economy of Guernsey and Alderney which is assessed by KPMG and reported in the press both in Guernsey and in the *Financial Times*.

Deputy D.J.A. Wimberley of St. Mary:

A couple of points of clarification now; there was one, now there are 2. The first is £5,000 per infraction. Could the Minister clarify what that means, because to my mind a corporation with yields of billions and millions, £5,000 is frankly neither here nor there. The second point arises from the previous question, which is that this assessment of economic value, can the Minister clarify that he has not and his officers have not seen a report on which that claim is based?

Senator A.J.H. Maclean:

The Deputy of St. Mary is correct, £5,000 per infraction is appropriate in my view. Of course the ultimate sanction that the Commission has is revocation of the licence, so if an operator is operating in a way that is inappropriate one does not necessarily need to criminalise it, you can just remove the licence and they have the power to do that. With regard to economic value, and the report regarding KPMG, I have not seen the report itself. It was a report commissioned by Guernsey, however, as I stated several times during both my earlier comments and in my answer a moment ago, the results of that particular report have been published both in the *Guernsey Press* and in the *Financial Times*. It is published results and those are the figures I was referring to. However the Isle of Man results are in their published accounts.

The Deputy Bailiff:

Minister, you proposed yesterday the Regulations *en bloc* did you?

Senator A.J.H. Maclean:

I did, to be helpful to the chairman and the panel, yes.

The Deputy Bailiff:

Thank you. I was just confused about that on some of the information I had received. So the proposition before the Assembly is to adopt the Regulations *en bloc*. Do you call for the appel?

Senator A.J.H. Maclean:

Please, Sir.

The Deputy Bailiff:

The appel is called for and I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 45		CONTRE: 4		ABSTAIN: 0
Senator T.A. Le Sueur		Senator B.I. Le Marquand		
Senator P.F. Routier		Deputy J.A. Hilton (H)		
Senator P.F.C. Ozouf		Deputy S. Pitman (H)		
Senator B.E. Shenton		Deputy of St. John		
Senator F.E. Cohen				

Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

The Deputy Bailiff:

Minister, do you propose the Regulations for the Third Reading?

Senator A.J.H. Maclean:

Yes, Sir, I do. There is a matter I think the Attorney General might need to raise.

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

Just as a matter of assistance, there is I think a clerical error, which can be corrected under Standing Order 75 within the Regulations. Regulation 4, its title is “Substitution of Regulation 2” and the body clearly does substitute Regulation 2, but the line before that is for Regulation 5 of the principal Regulations: “There is substitute of the following regulation.” I confirmed with the Law

Draftsman's Office that that is indeed a clerical error and it should be Regulation 2 and the President I think can give leave to correct the clerical error under Standing Order 75.

[10:00]

The Deputy Bailiff:

So the alteration would be to say for Regulation 2?

The Attorney General:

Yes.

The Deputy Bailiff:

Standing Order 75(4) allows amendments to the draft to be made if they are a clerical error or oversight with the permission of the Presiding Officer, and I give that permission. So with that amendment do you now propose the Regulations for the Third Reading, Minister?

1.2 Senator A.J.H. Maclean:

Yes, Sir.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak?

1.2.1 Senator A. Breckon:

Just a word. I would just like to use this opportunity to praise the Scrutiny Panel for the work that they have done and the officers **[Approbation]** for the timely way that they have come forward. There were some oh's and ah's when they did say they would look at it, but I think it has been worthwhile and what I think has come out of it, when they produced their comments with the colour coding on, that it does show that this legislation has been changed substantially since the original legislation and I think that is for Members to note for the future if changes are coming forward then perhaps this practice could be used again. Scrutiny has been criticised in the past for not looking perhaps at legislation enough, but I think this is a case where they have come out of it with credit.

The Deputy Bailiff:

Does any other Member wish to speak? Deputy Higgins.

1.2.2 Deputy M.R. Higgins:

I would just like to again thank the Minister for accepting that no licences will be processed or granted before the Code of Practice has been consulted on and also for agreeing to come back with a statement regarding provisions to deal with social harm.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on the Minister to reply.

1.2.3 Senator A.J.H. Maclean:

I thank both Members for their comments. I do not think anything else needs to be said. It was in the end a good process and a lot of hard work went in by a lot of people to ensure that the review was carried out in a timely fashion in a week, and I think that must be commended to all those who were involved. So I thank all Members for their support and the comments which have just been made.

The Deputy Bailiff:

You have proposed the Regulations in Third Reading. All Members in favour kindly show. The appel is called for and I ask the Greffier to open the voting.

POUR: 45		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Senator B.I. Le Marquand		
Senator P.F. Routier		Deputy J.A. Hilton (H)		
Senator P.F.C. Ozouf		Deputy of St. John		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
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Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
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Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

2. Standing Orders: time limits on speeches during debates (P.1/2011)

The Deputy Bailiff:

We now come to P.1/2011 - Standing Orders: time limits on speeches during debates - lodged by Senator Routier and ask the Deputy Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - (a) to agree that the Standing Orders of the States of Jersey should be amended to introduce maximum time limits for speeches made by Members during the debate on any proposition;

The Deputy Bailiff:

Can I ask Members please to keep their voices down, particularly when the proposition is being read.

The Deputy Greffier of the States:

(b) to agree that time limits should be as follows - (i) proposer of proposition - maximum of 30 minutes (except during any debate on the Strategic Plan, the Annual Business Plan or the Budget where the maximum would be 45 minutes); (ii) any Member speaking during the debate - maximum of 15 minutes (except during any debate on the Strategic Plan, the Annual Business Plan or the Budget where the maximum would be 30 minutes); (iii) proposer replying to debate - maximum of 30 minutes (except during any debate on the Strategic Plan, the Annual Business Plan or the Budget where the maximum would be 45 minutes); (c) to request the Privileges and Procedures Committee to bring forward for approval the necessary amendments to the Standing Orders of the States of Jersey to give effect to the proposal.

2.1 Senator P.F. Routier:

I have had a number of versions of the speech in mind, some which are longer than others and some which are a bit of a ramble, but I have settled on one. The Greffier has just read out what this proposition does, so I will not repeat what is very clear and very straightforward. I expect Members will have also read the proposition and the report so I will not repeat what is written there. Members may like to perhaps just turn to the appendix of the report which shows the time limits that other democracies have in place in their Standing Orders. I think it shows that this is the sort of thing that happens in a lot of democracies, so I do not believe that we need to have a long debate on this simple matter. I make the proposition and I will be happy to respond to any comments.

The Deputy Bailiff:

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

2.1.1 Deputy T.M. Pitman of St. Helier:

I am just going to pause first for a long, reflective, analytical silence before I start, with my eye on the clock. I have to say that I do not usually enjoy Senator Routier's propositions but today, this week, we have had Historic Abuse and we have had a good result and I think a good debate. After this, if there are enough Democrats, as some claim there are now, we have the opportunity to finally ask the public to support or reject the key elements of Clothier, we have got the Electoral Commission coming up and finally at the end we have got the Deputy of Grouville's projet 666, I think it is. [**Laughter**] I am sorry, I think I got that one wrong, 26, I am sorry. I would say to Members on this occasion let us enjoy this debate. I know for a fact that Senator Routier is concealing his best white rabbit stopwatch behind his desk and he is going to be timing every one of us and no doubt telling us how long we have rambled on for, or whatever, so it comes down to the arguments and there are 2. I mean Senator Routier's argument, and it is a totally sustainable one, is that if we do this it will focus Members' minds on making relevant, punchy, concise speeches and it is totally sustainable, that argument, certainly on the surface. Nobody wants to sit here listening to days and days of debate, as I think Deputy Le Claire pointed out somebody phoned him up the other day or sent him a text to tell him he was the reason that people were turning off their radios or some such. Fifteen minutes, well I could support this on the fact that I can stand up and say it is not going to affect me at all, because I do not speak just for the sake of speaking and I do not make long speeches. They might be rambling but they are not long ones. So I guess it will come down to what one feels are the most important aspects. Speeches can be long but they can be

very important and very interesting and have a lot of crucial information in them. So while I understand Senator Routier's argument for bringing this, I am not quite sure how he has worked out what he sees as the differences for say the strategic debate, *et cetera*, and other propositions, but there we go. If we do this yes, it might focus Members' minds, and I expect that you would say that it certainly would help you feign interest in what was going on if you have only got to do it for 15 minutes instead of 45 minutes at a time. It would, I think, unfortunately take out those little joyous moments when in a speech about the Waterfront Deputy Fox manages to remind us how much better Jersey was when we had a police motorcycle team or the Deputy of St. John manages to work in the main drains into some completely different debate. Maybe that is a good thing, maybe it is bad. I think what it comes down to mean... and my concern about this is what is more important? Is it short speeches or is it about getting the information we need? I think it is Deputy Southern who said a while back that democracy was a messy business and it is, and none of us are perfect, none of us are perfect speakers or speak as well or put ourselves across as well as we would like. When I look at the debates I have been involved in people like the Deputy of St. Mary often get criticised and I think Deputy Duhamel has been criticised but on hugely technical issues like the incinerator would it really be fair to say to someone like Deputy Duhamel, whose whole life has revolved around that sphere of interest, and it is an important aspect of our Island life, that in responding to a proposition he could only have 15 minutes? Could he even do it in that time? The same for the Deputy of St. Mary and we have all got different areas of expertise, but I think what Members have to focus on in my view is that balance. What is the more important? So I have got mixed feelings on this. I will not reject it out of hand but I really want to ask Members to think about those issues while enjoying their 15 minutes of fame. I must admit I was a bit surprised when it was brought because I want to give the Senator the credit and say that he has brought this with good intentions. There is the cynical part of me that thinks that this is just another way to dumb-down politics. I think a lot of people - and the Senator will probably concede that - will think that, listening, especially with some of the other things we have heard about making it more difficult to bring propositions, *et cetera*. We hear another Senator highlighting how the questions cost money. Well, that is all part of democracy. If I was going to be naughty I would say that with so many free market fundamentalists in here telling us that it is a public sector who are so vastly overpaid and over inflated that they are really to blame and must take the brunt for the global economic meltdown, which is of course the responsibility of a few foolish, arrogant and vastly overpaid individuals in certain elements of the global finance industry. So we cannot afford debate to be dumbed-down anymore. So we looked at the facts, and I was going to do some research and analysis, and then I had a better idea and I asked the Deputy Greffier to do it. I first asked if she could give me an analysis of the times of speeches for a whole year but she very kindly and quite rightly pointed out that such information probably would not be of huge benefit for me if I was in a hospital bed and taking my food through a straw, so we settled on 20. They were picked at random and I thank her for it, because they are very revealing. Far from this perception that is being put around, this myth that we all speak for hours and hours and hours, 20 projects, picked at random, proposers. How many of them spoke for over an hour? Only 2 and I think on an average year it is about 200 probably projects put forward. So only 2 spoke for over an hour. Two more spoke for over 30 minutes but the rest, no. How many Members went over 15 minutes in that time? Ten. Two of those went over 30 minutes but the rest of us, no. There are some big ones in here as I say, it was done without any sort of trying to pick ones where we could say: "No, well no one is going to talk for long on that." There is the Millennium Town Park, the C.S.R. (Comprehensive Spending Review) savings, cycle helmets, Annual Business Plan, the Jersey Police Authority, Children's (Jersey) Law, Guardians. So there we go, and I think it is a myth that we all speak for hours and hours, and I think if we go down this route there is going to be a real danger that people will perceive that this House is just becoming a rubber stamp for a few people, and people are already greatly concerned that all the power is condensed in the hands of a few. Democracy is messy, it is not perfect, none of us are perfect, and much as I may disagree with some people's political views I would rather sit here and listen to them and make those decisions on full

information, and I think that has got to override any concerns that some people might think: “Well, I have got other things to do, I want to get away.”

[10:15]

We have all got busy lives and I think that is probably why some of us are still sending paperwork through at 2.00 a.m. in the morning. Perhaps we need better lives but there we go. So I say to Members, in my view, and the facts seem to repeat this, there is no justification, no real need for it. Yes, Senator Routier is probably right to remind us to all be reasonably concise and I do not think there are that many of us who go over 15, I am not going to go over 15. But I end on this point. As someone who did stand in the Senators, when we used to get the bell ... we used to get a little warning bell that you were nearing the end, literally. I can remember one hustings I went to, I will not reveal who the Chair was, but he was very pedantic. The final bell went to stop me speaking and I only had 2 sentences to finish and he would not let me do it and it totally changed the context of what I was saying. So I might have been proposing hanging, that I was totally against it, now I am sure you, Sir, would not be that pedantic but imagine if [**Members: Oh!**] - you do not have to rise to that one, Sir - but the question would surely be what would happen if one Member came up with the answer for total prosperity for Jersey for all and he was just getting there, doing the best as he could, he knew he was not the world’s greatest speaker, and bang the 15 minutes was up. Time to sit down, prosperity out the window, let us move on to the next debate. That may seem a bit over the top exaggeration but democracy has got to come first and listening to what people have got to say. It is part of politics, it can be a boring part of politics but I just think, Senator Routier, there is not really a need for this. It is a good reminder, and I have to say I do not understand the justification for the different times on certain elements such as the Business Plan, the Strategic Plan, so I do not think I can support it and I would be interested to see what I clocked-in on the white rabbit’s watch. Thank you.

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

Groans from the Constables as I rise to speak. Oh, it was coughing, okay. They can groan if they want. Sir, you have been in the Chamber longer than I have, I think, and you have had to endure most of my speeches, including some of the ones on the Waterfront where I took great lengths in going through the accounts of the people who were getting handed the gift of the Waterfront, and also in relation to trusts where I pointed out in great detail how the Cleaning Trustee got the cleaning contract, how the Electrical Contract Director got the electrical contract, how the Property Services Director got the property servicing contract of the Housing Trust and at the time it was all rubbished. Yesterday we had Senator Cohen standing up saying that that a small housekeeping matter is something of importance in relation to the new directions in what needs to be done for housing and the Waterfront is now completely self-evident for everybody to see. At the time I made my speech, which I think was the longest one I made, it was about an hour and a half, I took great length to make sure that for history’s purpose, because it was going to be a gift of that property for 150 years, nobody could turn around and say: “Oh, we did not realise at the time.” All they could ever do was say: “We were not listening at the time” because if they were listening they would have heard from myself and other Members about what a self-evident disaster we were agreeing to. Deputy Pitman says if one Member could come up with - this is an aside - a law to make the Island completely prosperous and we cut them off at the knees how bad would that be, and I joked in the Planning Applications Panel the other day when one of the Constables remarked about the fact that it had not stopped raining since Senator Cohen had passed the Water Law. I suggested that maybe we could get Senator Cohen to bring a money law in and then maybe we would not have any money problems. But all of that aside we get to the specific proposition before us, and I do not think it is about making for a better debate, I do not think it is about making better decisions. I think it is political and I think it is coming from a political group that are pressuring people in this Chamber to shut them down, to stifle resistance, calm objection and silence scrutiny and accountability. It has been an ever-increasing, widening gap that has been creeping into this

Assembly. When I first came here, Sir, your brother, the former Bailiff, was kind enough to make it clear for Members that we have Parliamentary privilege at a time when the former Chief Minister would constantly enter into speeches by saying: "Do not go criticising the Waterfront people, I will warn you all, I will remind you all through the Chair that the lawyers have been informed." Members would sit there quivering in their seats: "We are going to get sued, do not say anything, do not say anything" and the former Bailiff, Sir Phillip, Sir, your brother, pointed out that we had the privilege of Parliamentary privilege, but it was not to be abused. From that moment the chains of fear and quivering in one's seat dissipated in an instant and questions and scrutiny started to enter into the debate. I have, in all my time in the States, only on one occasion ever filibustered in this Assembly and Senator Ozouf knows full well what that was. Again it was your brother, Sir, Sir Phillip who was in the Chair and it came to a debate at the time the late Constable of St. Saviour, Senator Ozouf's father, was due to return to the Assembly the following day. It was approaching 4.30 p.m. or 4.00 p.m., I was downstairs in the computer room and I was typing-up some work and Senator Ozouf came into the room and was very emotional and said: "It is such a shame because we are going to finish today and that means my dad will not be here tomorrow", so I took it upon myself, I was not going to and I know that we always say that, but I literally was not going to come back up to enter into the debate and I came upstairs, the debate was going to finish, we were going to finish for the day, the former Constable of St. Saviour was not going to attend the States again and I deliberately spoke at length. Unfortunately I really upset Senator Perchard. **[Laughter]** I could say, Sir, if I was smart enough: "I rest my case." It is what has been said to me countless times by Senator Ozouf and now by Senator Perchard. It was one of my best speeches, when I just went on and on and on and on, making it up as I went along just to drag it out. When we got to 5.30 p.m. the former Bailiff looked at me and said, rather wryly: "We are approaching 5.30 p.m., Deputy, are you going to be much longer?" and I said: "Well, Sir, I could go on for another 2 or 3 hours but if we wish to break now and come back tomorrow I am prepared to sit down and complete my debate." He did not quite grasp it at first because it was a bit of a strange thing to come out of the blue, with my explanation it is understandable but at the time it was not so clear, and I had to make it quite clear that unless we were going to break and come back the next day to allow the Constable of St. Saviour to be party to his last session I was going to talk all night, until the Constable could have been here. Fortunately, and not to many people's knowledge, we broke for the evening, Senator Perchard was rightfully really upset with me for the way I had spoken, because I had to choose one side of the debate and I unfortunately chose to go against Senator Perchard at the time, and suffered the wrath of that, and the next day the Constable of St. Saviour made one of the bravest things I have seen entering into the Chamber, and I do not think there was a person in the Chamber who was not moved by that personally. That is the only time in 11 years I have ever spoken for longer than I wanted to **[Laughter]** and, Sir, through the Chair, it is not all about them. Okay, so that was the only occasion that I spoke longer than I wanted to, obviously not the only occasion that I spoke longer than other people wanted me to. So let us look at the facts, shall we? Setting aside that single moment, and I am sure Members will join with me in the memory of that brave man and his return to the Assembly, the European Parliament has a 2 minute limit on some of the most complex laws in the world, and what you generally find is that the M.E.P.'s (Member of the European Parliament) tend to speak in very large, overarching policy terms about the issues and some of the speeches are excellent, but many of them lack detail. Another Member of the Council of Ministers said to me yesterday: "We do not need Government by proposition" and it was almost a list of: "Thou shalt not say anything in here; commandment 1, we do not need propositions to tell us how to run the Island." Yesterday also a question from the Deputy of St. Mary to Her Majesty's Attorney General was that would he not agree that justice delayed is justice denied and quite astutely and intelligently Her Majesty's Attorney General crossed swords with the Deputy of St. Mary and responded, defeating him outright by saying: "Justice rushed is also justice denied." We could all rush our speeches and we could all rush our contributions but will that bring about a greater level of participation and a greater quality of debate and will it have an effect that is what the people of Jersey want as an outcome? We could have less

speeches, we could have less debates, we could have less Members, we could have less elections, we could have less checks and balance, and we could have less accountability. We could also speak on every single opportunity that was given us, and I know that some Members think that we do, but I can assure them that we do not. Just as the ludicrous example was given and dismissed with another previous proposition, if this is pushed through as undemocratic as it is in my view, there could be just a backlash and everybody could just say: "Right, then, let us all just split it up among ourselves and let us just all speak for 15 minutes at every opportunity." We have seen in my time in the Assembly a reduction in the number of written questions that a Member can ask. We have seen a reduction in the number of oral questions a Member can ask. We have seen a reduction in the time allowed for oral questions. We have seen the introduction of the guillotine motion which curtailed the Shadow Scrutiny Board from Deputy Southern and myself contributing to the migration policy debate. I think at the time it was Senator Routier who called that one. I have voted against that as a principle ever since it was brought in. We have seen a significant curtailing of individual Back-Bench Members' rights since this collective political group of individuals to my right, some dispersed to the left, have seized power of the Assembly, a little covert political clique, a group of political individuals working among themselves to bring everything to the centre, keep it secret, manage it badly, produce poor results, blame us all and give us nothing to say about it. The media blame us for speaking about ourselves all the time. Well, it is all that we have got left to do. We are removed from Government, our constituents are removed... their democratic rights are taken away from them because their elected representatives are outside of Government. I sat in St. Thomas' Church at the funeral of my late great uncle Gaston Le Miere last week and I heard a lady from Jersey, obviously from *temps passé*, who said she did not think the new Ministerial system was working well. She complained about the salary levels of the Civil Service and she also said that she thought the old committee system was much better when there were several eyes on the issue and several views taken.

[10:30]

She also made the point in those days Members came to the Assembly because it was a duty of honour and not something they did for money, and it was a shame that those days had passed because businessmen came to the States and they gave their time and their efforts freely and they brought a certain piece of acumen with them. I could not disagree with anything that she said. Admittedly we do have more business now than in *temps passé* when the States would meet for 4 or 5 weeks, a huge break and then 4 or 5 weeks. If we go back... I have got them in my bag. I have the old times that the States did meet and the amounts of times that they met. I do not think I have it in there. It was significantly different. We recently saw a call for a referendum on the issues of the reduction of Senators. Something that I bought in 2002, which was not supported by the people who are trying to bring it now, and in that newspaper there was an article by the former Senator Corrie Stein who on retirement had said - and she has been gone quite a while now - it was amazing how much the workload had increased in her day and how much more time was now required of a States Member. So, I regularly find myself sitting at my computer working away to the detriment of my own, sanity perhaps, family life for considerably longer hours than I have ever put in before. I do not know if it is just ...

Deputy M. Tadier of St. Brelade:

Would the speaker give way a moment? I think I am due to speak next but I need to pop out to get a glass of water, so will I have time to do that if I am only 30 seconds? Is that all right? I could leave my mobile number.

Deputy P.V.F. Le Claire:

I think it is time for us all to stop saying that we have no need for Members in here from this background, or that background. I think it is time that we recognised that this Assembly is made up of people who are elected by the people of Jersey. They are elected in fair elections. They come to

the Assembly not because it is a club and not because their parents could afford to send them here, but because they struck a chord with the electorate and each in their turn and each in their way brought their issues from their districts into this Assembly to represent their electors. It is a significant downfall, in my view, and it is a sad thing to say because I know how much you had to work and how hard you had to work in implementing the changes that have come about and I am sincerely sorry to say, as I have said before, I think Ministerial government is the most divisive and destructive thing that has happened to this Assembly since the Second World War. It has set us apart from each other. We used to work together. We now ...

The Deputy Bailiff:

Deputy, the proposition is on time limits on debates.

Deputy P.V.F. Le Claire:

I know you would like that, Sir, but nevertheless it is where ...

The Deputy Bailiff:

I am asking you to contain your speech to the matter which is the subject of the proposition: the time limits on speeches during debates.

Deputy P.V.F. Le Claire:

Well, I think it is coming from a politically motivated grouping, Sir. I do not believe it is coming just because we want to make more efficient business occur. I think it is being done for political motivations. I think it is politically motivated and I think that it is time for us to stop trying to draw more and more into a politically close-knit group who do not want committees but will have paid remunerated friends and business colleagues forming shadow boards and advisory panels left, right and centre, while the majority of us have nothing to do in government except perhaps look at Scrutiny and when we do look at Scrutiny we are criticised for pulling things, we are costing jobs, we are jeopardising industry, we are costing the Island money. I do not know if other Members are going to be as honest about this, as I feel I am being as honest about this, and vote in the way that I feel we need to vote on this, but I certainly hope that they stand up and speak out against this because this is an erosion of their ability to say anything and it is their elected representatives who have already lost by this new form of government and any further erosion of the Back-Bench Members' abilities to bring those views into the Assembly and speak about them in great detail if they want to in the future is going to be further eroded if we allow any more curtailing of Back-Bench Members' rights. So, if Members do not want to do it for themselves, seeing as this is the year of democracy, then let us all do it for the electorate and make sure that the people have the right to send Members into this Assembly who can say what they want to say, how they want to say it, and take as long or as short as they want to when they say it.

2.1.3 Deputy M. Tadier:

I did not mean to be rude there, Deputy. I had a glass of water out the back and I forgot to bring it in before. I am going to give several reasons here hopefully fairly concisely. I am going to try and give you a fairly concise, fairly short speech in order to convince you that we should on occasion allow long speeches, if that is not paradoxical, rather than giving a long speech which maybe tries to convince you to support this and then puts you off. I think we are using a sledgehammer to crack a nut here. I think what has happened is somebody has identified what they perceive as a problem for themselves, perhaps against one or 2 individual States Members, and they are trying to bring in draconian and unnecessary legislation to cater for what they perceive is a minority problem, which is going to have a nefarious effect on the rest of us. Hopefully that is where other Members would sit on the issue as well. We do not have a party system. That can be seen in 2 ways as an argument for or against. You could argue that because we do not have a party system there is more likelihood of the 53 of us wanting to get up to speak, which often happens on certain issues, not all issues. But on the other hand one could argue that because we do not have a party system it is

necessary for us to all put our point across and we may, on occasion, have to combat 52 different arguments. My favourite quote from the book 1984 is: "Sanity is not statistical" which is quoted by Winston Smith, and those who are aware of the work by Orwell will remember that he is pretty much the only sane one, or the only sane one that we know about, in a world of mad people. Sometimes it can feel like that for States Members and it might be necessary, as I have said, to come up with a speech and if you have heard 52 arguments, which you think are completely speechless and spurious, you may well want to address all of those and you should be quite entitled to do that in order to deconstruct the arguments and if you allow, let us say, even 30 seconds for each of those 52 arguments you are already approaching half an hour which is a lot longer than the 15 minutes which Senator Routier is proposing. The idea of filibustering was interesting. I think it was quite brave of Deputy Le Claire to admit that and it is obviously tactical; we all use tactics- we are politicians - we try and get what we want through in different ways. I had a quick look in my dictionary and filibuster, obviously an American term, was described as a process of obstructing legislation by using delaying tactics. It did not refer specifically to speeches, although that is normally how we recognise it, and there are other ways that we filibuster; that is politics and it works on both sides. We can use delaying tactics; we should not do if we are being even-handed and above board but it does not rely on lengthy speeches, and I do not think we have a problem with filibustering in terms of speeches in the Assembly. It simply does not work, so I do not think that is a reason to bring it in. If it was a problem that people were deliberately making long speeches I think that we would have to look for an alternative, but I do not even think this would necessarily be the way to do it. There is an issue of fairness. We all make decisions when we become States Members about how we manage our time. We are essentially self-employed, although in another way we are employed by the public, and I feel that it is not intended this way I am sure, but it is almost like we are being treated like children. We are being told: "You must stick to these 15 minutes if you are not giving the proposition, if you are not summing up." I think it is too restrictive but we simply cannot apply those restrictions right across the board on these occasions because there might be times ... and I will give an example, why should it be that somebody who speaks very rarely in the Assembly, they may not speak at all, or they may speak very briefly, but if they have particular expertise either because they are on a particular Scrutiny Panel or just because of their background, why should they be prevented from maybe speaking for 16 minutes or for half an hour or even for 50 minutes? I think the actual test should not be the length of what they say, it should be the content and it should be whether they have well-researched the issue. I think this brings me to the next point. This is the real problem as far as I see it, what it is is that Senator Routier, and perhaps others, do not like the fact that the Deputy of St. Mary stands up on occasions and, in my opinion, gives very well-informed, well-researched speeches, but they are slightly too lengthy for the particular concentration threshold of certain Members. I think that is the bottom line. I do not know why Senator Routier just simply did not bring a proposition to say that he should be the one that keeps his speeches to 15 minutes and the rest of us should be able to speak longer and maybe Deputy Le Claire could speak for 20 minutes, things like that, or whatever. So, I think this is the real motivation; it is personal. It is not a recent problem. This has been an issue in the States that certain Members speak for a long time, but as I have said and other Members have told me that they listen to everything that the Deputy says and it is all well-researched. They may not agree necessarily with everything but he uses fact. I would say that it is not the fault of the person who is giving the speech for a long time, it is for those Members, and I include myself in that sometimes, who have a short concentration span and we need to learn to be more receptive to information. It is difficult to take lots of information in at one time but that is the job that we are in. Of course that does not mean that it is not incumbent on the speaker as well to use devices in order to raise interest at certain points in the speech and maybe that is something that P.P.C. (Privileges and Procedures Committee) could look at, giving us training. It is clear that usually I think after about 10 or 12 minutes the interest does tend to dip-off and there are devices you can use, perhaps loud numbers, a bang, or something like that, or a little bit of humour, God forbid, to make the speech a bit more interesting and to get the point across. But at the end of the

day that individual will learn that it is a stylistic thing and if the way that you speak, it could be to do with length, it could be to do with content or presentation, if you are consistently speaking in a way that puts people off from voting for you then sooner or later your colleagues and you will learn not to do that. So, I think that is just common sense. We do not need Standing Orders dictating to us the best way forward. I think it would also shut down debates. We are all elected here on various constituencies, some of that is Island-wide, it could be parochial or in district, and on occasion there will be heavyweight things that we need to debate and they will not always be our propositions where we can speak for half an hour, but if somebody is bringing a proposition to demolish, for example, an area of my Parish, of my district, and it is in an area where I have had a lot of representation I might need to take half an hour to do that. I might need to take 40 minutes and it could lead to a situation. The Senator might address this in his summing up and say: "Well, there might be inbuilt flexibility." I mean, are we going to be lifting Standing Orders all the time because we judged that a certain Deputy or a certain Constable has a particular need to speak for a lengthy issue, which is not covered in Standing Orders? So, we will be lifting Standing Orders in order to allow somebody to give a longer speech in a similar way that we used to have to do all the time with question time because we were not finishing questions? Thankfully now I think we have the right balance with question time. We seem to have the right amount of time to say things. I could go on, and I will not, but I think there is a whole list of issues here as to why this is not well thought through and it will have unintended consequences, or perhaps intended consequences. So, I am going to leave the speech like that. It is a risk when you speak early because I am sure there will be other arguments which Members could put forward, but hopefully those are sufficient grounds and I have made it sufficiently clear in a relatively short amount of time why we should not be adopting this proposition.

2.1.4 Deputy M.R. Higgins:

I am known for making short speeches, which I hope Members would agree are short and to the point. I also only speak in debates when I have a point to make and do not speak in every debate, especially if others have already made the case or raised the points I would have. My views are expressed largely through the propositions I have voted for and the ones I have voted against; nor do I think that long speeches are the problem or the reason why States sittings are so long. I think it is perhaps that some Members feel that they must speak on every proposition or issue, even when they have nothing original to offer to the debate, or another reason could be because Back-Benchers have had to bring propositions to right wrongs or to address issues that have not been dealt with or brought by Ministers. I also believe that the figures quoted by Senator Routier in his report are highly misleading. All the Assemblies quoted have highly structured political parties where the party leaders and whips largely determine in major debates who says what and when whereas we are all, in this House composed of independent Members. I will not be supporting the proposition because I believe in every Member's right to say what they want for as long as they want, even when I may not agree with what they say. I am a democrat and I will not vote for what I believe is an undemocratic measure.

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

This proposition - P.1 to limit the length of speeches - I think I will be supporting. I believe it to be common sense. If a Member speaks for up to 15 minutes that is a speech; 1 and a half hours and above, that is a lecture. This amendment to Standing Orders to limit the timed speeches; would I be right in thinking that if it is exceeded and any Member wished to speak longer than 15 minutes they could ask fellow Members through the Chair to lift Standing Orders, suspend Standing Orders, in order for them to speak longer? Would that be in order, Sir?

The Deputy Bailiff:

That would depend how the Standing Order is drafted, Deputy. If it is a stand-alone Standing Order then it may be possible for the States to vote on lifting that Standing Order for the purposes

of the debate which is then taking place. If, on the other hand, it is a Standing Order which is drafted to form part of other Standing Orders it would not be possible to lift it on its own under the established rulings from the Chair.

Deputy K.C. Lewis:

Thank you for that clarification, Sir. As my old school teacher would often say: “Be precise and concise. Say what you have to say and sit down.” As our old political commentator up in the box would often say: “If you have nothing to say, kindly resist the temptation to say it.”

[10:45]

2.1.6 Senator S.C. Ferguson:

One of the earliest comments I heard was I believe from a Bishop who said: “Stand up, speak up and shut up.” What is the value of a long speech? Is it to blind us with figures and complicated concepts? Is a speech really the medium in which to impart such information? I do not think so. If Members really want to convince the House they need clear, cogent arguments. The place for technically complicated discussions is a scientific paper or forum. It can be argued in a Scrutiny paper or comments on a proposition. As a matter of fact, I was originally going to support this proposition and then I started thinking about it, which is always a dangerous thing. If we accept this proposition, are we in fact limiting freedom of speech? The examples given by the Senator in the proposition do not include the U.S. (United States), as has been mentioned. There are no limits to lengths of speeches there. On occasion there can be unfortunate side effects; it leads to filibustering. If you have seen the film, I think it was *Mr. Smith goes to Washington* he undertook a filibuster, reading the proceedings of the organisation for 48 hours or something like that, but this does work. I think the term “filibuster” derives from the name of the Senator who first performed a filibuster, which is perhaps a useful piece of useful information. Basically, to get back to the subject, I think this particular proposition limits free speech, which is one of our basic freedoms. In business, or in Scrutiny Reports, you may have a superb 50-page report but Members are busy people and will only read the executive summary. I do have hopes of Senator Perchard venturing deeper into the Corporate Services Report, but I concede that he is a busy man. **[Laughter]** The message to Members is quite clear. If you want to convince the Assembly keep it clear, keep it cogent, and possibly keep it simple. In other words, stand up, speak up and shut up and I will be supporting our basic freedom.

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

Very much on the lines of speakers, I do not support the proposition, but I do support the views that a lot of speeches go off on the deep end. I was surprised at some of the logical fallacies of the champions of democracy. For example, Deputy Pitman said if somebody was putting forward a major proposition to increase the prosperity of the Island and at the 15-minute point they had not stated it, well I think there is something fundamentally wrong with the way those people are speaking. If they have not put their major point across and really punched it home time after time, where are they at? Where are they at? And the answer is, put it across. The other thing is, I think we also suffer from ... and it is a well-known tactic which Deputy Tadier alluded to when he alluded to tactics, battles of attrition. There are some people who use facts just to swamp other people, just to flood other people with facts and basically send them into whole paradoxisms of tedium and boredom so that they will have to vote for them. I think we do have that tactic played out at times. I think also the notion, which I do have some sympathy with, another Member argued: “Well, why do you not just keep on talking because you might accidentally stumble on a vital fact?” Now, that is okay but it shows an incredible lack of discipline. It shows an incredible lack of preparation and it shows this view that if I engage in a never-ending, as I am, stream of consciousness I will somehow stumble upon the vital facts, which I find unbelievable. It does happen at times and I do subscribe to ye olde Chinese saying: “Deep doubts, deep wisdom, small doubts, small wisdom” and if you do have occasionally people who do shake the tree, but shake it

well ... but the idea that people are just droning on in the hope that they will somehow stumble on a fact, which will change the whole course of the argument, I find just incredible. I think one thing that supports this, and I was talking about this with Deputy Power, and I am going to steal some of his thunder, I am not sure if it was Winston Churchill or Oscar Wilde who said: "Give me half an hour and I will prepare a 10-minute speech but give me an hour and I will prepare a 5-minute speech." I think in a way that sums up this notion. I do not think we need a lot of long speeches. The public - and I will have to come back to them - they look at the States and, yes, they do say: "You are rambling on blah blah, you have too many Members" and of course we will address that issue in another context perhaps later today: "You have too many Members. Can you not get yourselves organised?" But that said, I have to say we are a bunch of individuals. We are elected as individuals. Some of us, including at times myself, we are incredibly ill-disciplined. There are awful speeches that are based on rambling on in the hope that something will emerge at some point in time, but with no particular plan underlying the speech, but all that said I do believe we do not need limits. I certainly believe we need fewer Members. I certainly believe the opposition - and I am as much to blame - tactics need to be much better organised in this House, and I was very impressed ironically by the way in which the Scrutiny Panel presented their comments yesterday. I thought they were sharp, they were to the point and they really got there quickly with no blather and that was excellent. So, no control but we really need to look at ourselves and be a bit more self-critical.

2.1.8 Connétable P.F.M. Hanning of St. Saviour:

Very briefly, most of what I was going to say has been said in the previous ramblings and therefore I am not going to repeat it.

2.1.9 Deputy J.A. Martin:

When I first saw Senator Routier's proposition I probably did think, like many others: "Oh, this is another [as Deputy Le Claire said] a game of 'us and them' and let us cut them short" but I, like many people in here, do not speak for too long. After some of the speeches this morning I am wavering to support this and I will tell you why; it is because if any of us needs to be strapped into a chair and listen to us on the radio for one whole day and the public is absolutely ... it is not rambling, it is about not preparing. The amount of times I have heard States Members stand up, talk to a proposition, and they have not read it because they do not know what they are talking about. They are asking questions, there are briefings they do not go to. I was one of the sad people before I was in the States who talk about: "Is it getting better?" No, it is not. From 1995 when my children were young I used to tune into Radio Jersey when I was doing a bit of painting or whatever, and listen and I used to award myself points that I used to know the voices of the person who was speaking. None of them rambled. They got to the point and if nobody knows ... and I have been here a long time and it seems to be getting longer and longer, if nobody really realises that 90 per cent of you have 90 per cent of your minds made up which way you are going to vote before you come in. If you are not changed in a short, concise speech, you are never going to be changed and we all know that. I appreciate the Deputy of St. Mary on the incinerator speech but he did himself no favours. He did come up with a load of facts. He filibustered in the first 5 to 10 minutes because he was not prepared on the day. Now, he was a new States Member. Fair enough, and I am not picking on the Deputy and I am not picking ... in the first debate, incinerator one, we had Deputy Le Claire and Deputy Duhamel do 2 hours each. They lost me in the facts. They lost the public in the facts. They lost a lot. Now, in Guernsey, when the people turned out, the actual people who understood, they did not go for that, they did not go for their incinerator. They rescinded it. There were not lots of 2-hour speeches. The public are fed up. Everything is about what is happening in here. It is supposed to be for the public good. No, we are bringing back, we are bringing back, we are bringing back. We are not doing anything, we are still where we were 10 years ago. We may have moved on with electoral reform. I really do not know which way to go. I personally do not think it is political, cutting people off at the knees. I do not think Senator Routier

has brought it for that. I will listen to his summing up. I very rarely agree with Senator Ferguson, but is it cutting freedom of speech? But if I do not support Senator Routier this time I will probably be likely to bring something back, or if I am still on P.P.C. if we do not start getting our act together, getting the debates researched, concise and to the point we are doing nobody any favours. We are privileged at the moment, we can talk for as long as we want, so do not abuse that privilege, do not speak just because you think you have to, and only speak please when you have researched the subject and you absolutely know what you are speaking about.

2.1.10 Senator A.J.H. Maclean:

I am cautious to rise because I have not researched the subject and that was a blistering finale from the last speaker. I clearly like Senator Routier, he is a good chap, and I must admit when the concept of this proposition came forward I, like I suspect many Members, was quite compelled by the basis of it. I am going to get into the detail in a moment and I am not going to speak for very long. I will just raise a comment about something that Deputy T. Pitman said earlier on, which I thought was interesting. He said that speeches can be long and interesting. My observation is that speeches can indeed be long, certainly in this House, speeches can be interesting, but rarely are speeches long and interesting, and that is the definition that I think is probably relevant that perhaps he missed on his particular comment. This is a difficult area. It is an area of democratic right and the rights for Members to have free speech, to be able to speak and express their views, and indeed importantly the views of constituents, and I think it is this freedom of speech that we have to be very careful that we do not curtail. But it is not the length necessarily of the speech which is the primary issue. In a majority of cases Members do not speak for long periods of time. There are some exceptions but in general Members do not speak for that long. Where there is more of a problem is the content sometimes of the speech and in particular, Sir, and I am sure you will agree with this, the relevance of the speech and that is not because you do not make relevant speeches, Sir, by the way it is just that you pick up **[Laughter]** ...

The Deputy Bailiff:

I am not aware I make any speeches, Senator.

Senator A.J.H. Maclean:

I have noticed in this session you have picked up on a number of Members who perhaps strayed from the point of a particular proposition and that is important that the Chair stays on top of these issues. But I think if we consider for a moment the proposition itself and the way in which Senator Routier has tried to prescribe the periods of time which are acceptable. Some quick mental arithmetic, or in my case with the assistance of a calculator, I noted that if you take 39 Members speaking in a particular debate, which is around about three-quarters, which is not unreasonable, if they were to speak for the 15 minutes that was prescribed, then that would account for 9 and three quarter hours. That is an awfully long time despite the fact we are reducing it. If you took another example and 39 Members spoke for just 5 minutes that is 3 and a quarter hours. It does not take long for an awful lot of time to be taken up in this Assembly if all Members want to stand up and indeed repeat comments that have been made and so on. The other argument, of course, and I think Deputy Le Hérissier raised it, is indeed a number of Members. I know that later on today we are going to be addressing the matter, yet again, of Senators. I am personally in favour of reducing numbers in the Assembly, not that it is relevant to this particular proposition, I do not necessarily think Senators - and of course I would say that - are the right ones to reduce, but nevertheless we will come to that at a later stage and I of course am in line with the public on this particular point. **[Members: Oh!]** Just an observation.

[11:00]

The Deputy Bailiff:

You invited me to ask Members to **[Laughter]** ...

Senator A.J.H. Maclean:

Returning to the proposition very rapidly, I would simply say that if Members feel strongly that the matter of the length of speeches is indeed an issue that needs to be progressed then it does come to my attention that in this proposition if Senator Routier were so minded he may split the vote and perhaps take (a) and (c), which would allow Standing Orders of the States to be amended to introduce maximum time limits, and then request Privileges and Procedures to progress the matter and as such they could perhaps consult further with Members. I am not convinced I would vote for even that, but it is an option that the Senator might choose to consider later on. I recall, in closing, some advice I was given many years ago, which I thought was quite interesting and it was quite simply this: "Better to keep silent and be thought a fool than to open your mouth and remove all shadow of doubt."

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

This is the eleventh speaker this morning in just under the hour so we are averaging about 6 minutes a speech. Earlier on this year Senator Routier brought a proposition to the States asking to have 7 signatures for anyone signing a proposition and one of the reasons that came up in the debate was it was to stop someone waking up in the morning thinking: "Oh, I will bring a proposition to the States." Well, now I know what Senator Routier is on about; I think he woke up one morning and said: "Well, maybe I will bring a proposition to stop people speaking" so that is what we got. It is very much like that. His opening speech was very, very short and I know his report was very short, but one of his reasons for us having this debate on shortening speeches is that we should look at other jurisdictions. I think it has already been mentioned Jersey is not like any other jurisdiction. It is getting close to it, we now do have a very official party, the Council of Ministers and the rest, but really we are very much still individuals, which other Members have mentioned. Let us look at the reasons why we should be having these shortened speeches. If we look at the third paragraph of Senator Routier's report, because he really did not re-introduce very much as reasons why we should have shortened speeches but he said: "Members have spoken to me and encouraged me to bring this proposition because they have different reasons for supporting the principle of maximum limits, and I will leave them to articulate those to Members." Can I ask the Senator when he sums up please, how many people have, and who are they? I am also asking for all those people who are going to articulate their reasons to do so because at the moment I think we have only had one. Then we look at the Senator's main reasons which are his own 2 main reasons. One is because I think limiting Members to a specific time will require Members to give a clear, focused speech, which is aimed at influencing the outcome of a debate rather than a speech which covers unrelated topics. Well, we already have a mechanism for that and that is you, Sir. Whenever the Chairman or the Bailiff or the Greffier wishes to intervene and has said: "You are getting off the mark" he does so. You do pretty well, Sir, so I will carry on in case you take me off the point. Then of course the second one he says is because by speaking that long you stop other people from speaking. Well, the only time that can happen is when someone introduced the guillotine, so this is not really a reason for, again, shortening speeches. Then we say that this proposition aims to give all Members an equal opportunity to take part in a debate and to influence the outcomes of a decision-making process. Well, I already thought we had an equal opportunity at the moment. As it stands we are equal. If you feel you need to speak longer because you have particular points to make you can. If you do not feel you need to speak at all you do not, but it is equality already so: "If it ain't broke, don't fix it", and then we look at another paragraph which says he is asking P.P.C. to come forward with the proposals. Well, I would have thought P.P.C. would like to know really what they are going to come forward with anyway, and what is very interesting is there are no P.P.C. comments. I wonder why? Anyway, I am going to sit back and, like Deputy Martin, wait to be influenced as to why we should change this system and I am certainly waiting for those Members in support of Senator Routier's proposition to articulate their reasons because I really am waiting for them.

2.1.12 Connétable L. Norman of St. Clement:

I welcome this proposition and will be supporting it. I support it not because of what has occurred in this Chamber in the past, or in the recent past, but what could happen in the future if some restriction is not placed. In fact, I welcome some of the longer speeches that we have enjoyed recently; it gives some Members time to go for a haircut or visit the dentist, without missing anything significant. I am not sure if that is irony or sarcasm but I do believe that most jurisdictions, most parliaments, many councils have some sort of time limit on debates. It might be the length of debate itself is limited to a certain number of hours. It might be that speakers are limited in the way that Senator Routier was proposing and in some jurisdictions the President himself can limit individual speeches. But whatever, certainly the majority of parliaments, councils and so on, do have this limitation and they have it for good reasons and not because of anything which has happened in the Chamber but, as I said, what could happen. In the future, for example, you could have a group of deflative and maverick Members - probably Constables, following that description - who might decide for whatever reason to disrupt the proceedings of the States and arrange for each of them to speak for an hour or 2 hours on any and every debate, which would totally disrupt the progress and business of the States. Now, that might seem highly unlikely but the reality is even in the more recent past we have seen behaviour of some Members, which has been highly unlikely and highly unpredictable, which has caused difficulties and embarrassment. That is all I wanted to say. I shall be supporting the proposition. I have noticed that the Deputy of St. Mary indicated that he wishes to speak after me. I wonder if he could indicate whether I have time for a haircut.

2.1.13 The Deputy of St. John:

Wrong Parish, if I may mention that to the previous speaker. I could go on to drains but firstly ... oh, he is not in the House. The Minister for E.D. (Economic Development) spoke for 6 minutes which confirmed the timing that the Deputy of St. Martin has averaged out for all of us. Other governments around the world do things their way. Some of them have time limits on their speeches. Others get quite unruly and finish up having a punch-up, or shooting one another. Others, like the United Kingdom Government in fact allow their Members to pick up the mace and throw it across the ... well, may not allow them but it happens, throw the mace across the Chamber. We do not have any of that here. We are quite laid back in the way we do things. Yes, we do have at times the odd Member who may take a little longer to convince the Deputy of St. John that this is the right way of doing things but so be it. That is the way we are. When this first came out and Deputy Routier mentioned this I thought: "Yes, that probably is a good idea to have a limit on speeches" but when you go home and you think about it you think: "No, I am here to represent the people of St. John and anybody else who wants to contact me - and they do - to represent their views" because I am an elected Member. Because it may take me ... it is not often I speak for longer than 10 or 15 minutes, very rarely, but it might be an occasion to do with main drains. I know the Deputy has already mentioned that but it might be something that I am passionate about, like our infrastructure, and therefore because of my position as chairman of a Scrutiny Panel, and I may have spent a lot of time researching certain areas to do with waste, it would probably take me 20 minutes or 25 minutes to do what I would generally do in 10 or 12 minutes because I need to get into some real detail and I would not wish to have my hands tied because the paperwork within the States says I could only speak for 15 minutes. If something is important enough for a Member to stand on their feet and want to give chapter and verse, that person should be entitled to do so. We cannot all be as succinct as our neighbour, and I must say I work with the Deputy of St. Mary in another area, in Scrutiny, and he does his research and therefore I have an awful lot of respect for a person who does their research and brings this to the table; an awful lot of respect. We may criticise a Member for wanting to give this information to the whole forum, all 53 of us, but in fairness we have to do what is right. That person, because he takes a little longer than somebody else, there is nothing wrong with that. That person is trying to make sure that all of us have that information. It is totally wrong to try and cut somebody off at the knees from the Chair, which has

happened to me on a few occasions, and not by you, Sir, of course, yet. But I think it would be totally wrong to adopt this and I sincerely hope Members will give some serious thought to that. Given we have now gone down the Ministerial government system this last 5 years and we do not get the close working relationship that we had under a committee system unless you are a member or associate member of the Minister for Planning and Environment, and I must take my hat off to that Minister because several days ago I asked for a list of his quangos, shall we say, or assistants within the elected membership ...

The Deputy Bailiff:

You are about to get cut off, Deputy. Will you come back to the proposition?

The Deputy of St. John:

Yes, I am. The Minister for Planning has some 12 different groups of people who assist him. All those are States Members of which there are some 21 States Members who he keeps fully informed of the actions going on within his department. If the Chief Minister were to take a tip out of Senator Cohen's book and incorporate as many Members as possible into the big picture of Government within this Island I think we could get a far better working relationship within this Chamber because at the moment I see a "them" and "us" scenario which has come about, and as I spoke to you earlier this morning, I think since January we have seen probably 3 or 4 propositions of issues to deal with the Island, everything else we have been navel-gazing about affairs to do with how this Government has been set up and that is a real concern. We are here to debate issues to do with this Island and all we do is restructure this Chamber. I am not going to say any more because I know you have heard it before, but we have to do what is right for the people of Jersey and what we are doing here today, yet again, I do not believe is good time being spent for our Island.

[11:15]

2.1.14 The Deputy of St. Mary:

Well, I think the proposer must be hankering for the good old days when the Health Law went through as I was told, I think we heard that in a debate, in 15 minutes. I was taken back, but maybe not quite surprised, by the brevity of his opening remarks. He certainly followed his own advice but I think it did show, as the Deputy of St. Martin has alluded to, how weak the case is. It feels as if he really thinks that somehow people can be out drinking tea and coffee and they will come back in here and just vote this through, and I think that it would be a very, very sad day. I am going to keep this as short as it needs to be but this is a serious issue and there are points to be made. Firstly, the only point, I think, that the proposer made was about other democracies. Well, I have news for the proposer, other governments, other Chambers, have more Members. The House of Commons has 650; the Scottish Parliament 129; Canada 308. How can you compare that to little Jersey with 53 and maybe, some say, that is too many? The second point of course is the structure of their Chambers. It is completely different. They all have parties which immediately creates a structure with research and with divided responsibilities and spokespeople who have briefs and researchers working for them and so on, so it is utterly different from the situation here where we have 53 independent Members for better or for worse, with the exception of J.D.A. (Jersey Democratic Alliance) of course who are a party, but otherwise we are all independents. There are no whips, there are no spokespeople and there are no research facilities for us unless we buy them independently. The third point, which is not the same with the other jurisdictions as here, or is not comparable, is the work is done in a different way. The Select Committees have more power than we do, they have more research facilities, they have longer to do their work, and so it goes on. Most of the work is done outside the Chamber. You only have to turn on the Parliament Channel to see that nobody is there because they have gone to bed and the work is done at other times and in other ways. So, short speeches. Of course most speeches in this House are short. They are short and of course they are because most issues do not need too much to say, but sometimes I feel I am being short-changed and I would take up Deputy Le Hérisser's comments saying you can be short,

you can be punchy, concise, to the point and so on, but sometimes when I listen to the good Deputy I feel I have had a break and had a Kit Kat. I just wish that I could have a meal and it would be nice if the Deputy peeled out the substance of what he was saying and put down something on the table that could be questioned and was a contribution to the debate. He does however have the flipside of being brief and punchy is that when he hits it on the head, by jove he hits it on the head, and yesterday in the Committee of Inquiry debate he made a superb speech, very short, and it just made the point that needed to be made. So, there is good and bad, even about short speeches, and also of course about long speeches. This proposition, in my view, is divisive, it is harmful, and it misses the target. I will take those 3 points in turn. About missing the target, the Deputy of St. Martin said: "If it ain't broke, don't fix it." He was claiming that it is not broken. I do not make that claim. I think that there is something that needs to be done. I do not think the way we function is right, so I disagree with the Deputy there, but the question is, does this proposition do anything about the need? So, firstly, divisive. We have heard people say that the root of the problem is the lack of inclusivity and the lack of dialogue and the consultative consensus approach that the Deputy of St. John would like to see has gone. Because of that, of course, this becomes the forum. It could be otherwise. With P.19 we spent, I think, a whole day discussing P.19 because the Council of Ministers had not taken a broad point of view in the first place. That was a whole day gone. What does this proposition say about that? Nothing. The Strategic Plan. I still remember the strap line: "Working together to meet the needs of the community." How much work was done to establish, with the community, what they might think their needs would be? None. So, those issues come here because the Strategic Plan was not made in an inclusive way. I know that there were one or 2 sessions with Members but frankly they were not very helpful, in my view, but certainly the public had no input, formal or otherwise, into the ... well, possibly otherwise, but not a consultation process into this question of what the needs that the Strategic Plan was trying meet, what those needs were and yet this measure reinforces this division. That is what it will in effect do and if that is what people want to vote for then go ahead and vote for it but in fact it makes that problem of divisiveness and hurt in the Chamber worse. Just a few comments on speeches themselves. As I have said, most speeches are 5 to 10 minutes long and when a speech is a lot longer, as some of mine are, that is for a reason and I did refer to the fact that in a bigger Chamber there would be 650 Members, for instance, in the House of Commons. On any issue there would be 10 people who really know their stuff and who would contribute to those debates, possible at 10 minutes each, and you would still get a rounded, pretty expert view of an issue. In this Chamber with just 53, a thirteenth of the number of Members, you are likely to have one or 2 people in the Chamber who have really researched and, as the Deputy of St. John used the word, "passionate"; passionate and knowledgeable about an issue. Because of that those who are expert and passionate about an issue may need to go over the 15 minutes and to cut them off at the knees at 15 minutes is absurd. It is absurd and it does not take cognisance of the fact that we are a small Member - a small number of Members - Assembly. I will give one example of a case where I went over the 15 minutes and that was on the debate on the Masterplan and its relationship to the Town Park and I took apart the Hopkins Report. I had evidence to show that that report was written back to front. It was written from the conclusions backwards in respect to the Town Park. Everything else, fine. That was an objective report but in that instance ... now, I just took the time and the research to show that to Members and that probably took 15 minutes on its own within that speech. Now, I do not say that all my, or anyone else's, long speeches are productive or good. Some are useful, I believe, and some are probably less useful and some should have been put in the bin before they were said, but nevertheless that is not a reason for this proposition to be accepted because of the risks pointed out by others. So, I just wanted to make one more point about the going out for a haircut. It is quite a nice line, is it not? "Let us go out for a haircut because someone is going to talk for a long time." I wonder how many people were out for a haircut when the euro fiasco went through the States, nobody asked the question, and nobody had done the research, and bang went £8 million. So, do not research, do not talk, that is the message under the subtext of this and I think that is wrong as a way for the Chamber to go. Targeting. So, how will this affect the issue? What is the issue? The

issue is the time we take in here; 3 days we are likely to sit this week and we sometimes take 4 days on a big debate. So, how will this help that issue? What could the proposer have possibly said instead? So, first of all on targeting. His choice of issues where we can take a little longer, 30 minutes or 45 minutes and so on as set out in his proposition. He says: "The Strategic Plan, the budget" and there is one other. Somebody remind me: "Strategic Plan, Budget and Annual Business Plan." That is a pretty arbitrary delineation of the most important issues. How about the Committee of Inquiry? Is that not a crucial issue for this Island? Does it not merit the odd speech over 15 minutes from Back-Benchers, or indeed Ministers on that occasion? Anyone who is not the proposer. The incinerator. Oh, just £100 million. We are paying for that out of cash. Is that not important? Is that not worth a bit more than 15 minutes? The suspension, the Napier, the whole issue around that. There were some lengthy speeches there. It is an issue that some say has been swept under the carpet. Some say it is not and how else to get those points on the record and discussed? So, that is the targeting. I find the choice of those 3 areas pretty arbitrary and I am sure Members can see that they are arbitrary; that there are other really important weighty matters that come to the States. That is not to say that we should not be cleverer about which propositions rate how much time. There are some issues in here that we should get through in half an hour, but that is not in this proposition. There is no filtering in that way being proposed. So, targeting. The working party... and this is a curious thing, is it not? We had the States business organisation sub-group of the P.P.C. looking at the issue of the way we function and they specifically said: "Do not do what the proposer is doing. Do not bring *ad hoc*, random, single propositions about this, that and the other, and I will quote what they say because this is the document that after all we all contributed to and was written-up: "The group does not feel that any amendments to the way States business is organised would be useful until a review of the current system has been completed, although some changes - for example, limiting the length of speeches - might appear superficially attractive." Of course lots of media coverage. It is easy to say: "Just cut the length of speeches and everything will be all right." Well, that is not true. It might appear superficially attractive: "As a way of reducing the amount of time Members spend in the Chamber the sub-group believes very strongly that forcing a change of this type through the Assembly against the wishes of the minority would simply exacerbate the current division that is perceived between Ministers and other Members and the sub-group does not believe that changes of this type would improve the manner in which Jersey is governed." I would just remind Members that there are no comments to this proposition from P.P.C. and I do have to ask why the proposer did not go to P.P.C. and say: "Where is this review? How are we going to make the States run better?" The recommendation of this group is that a review be conducted into the way we run our business and some ideas: we could have stronger Standing Orders about misleading or making deliberate errors in propositions or speeches, we could have the compulsion to reference facts that are quoted in reports so that they were not questioned, we could have a filtering system for propositions which denoted how important they were, we could have proper research facilities and admin for Back-Benchers and so on. That would be some kind of review of how we run our business but we do not get it, do we? We get an isolated measure, which does not address the issue in a serious way and in conclusion what I am saying is that this proposition will seriously contribute to the existing dysfunction. It will increase the division. We have been warned not to do that by P.P.C. and in my view the opening speech said it all. The opening speech said it all and I would remind the proposer that he is not allowed to bring anything new into his summing up under Standing Orders. **[Laughter]** It is a shocking proposition and it should be withdrawn.

2.1.15 Connétable K.P. Vibert of St. Ouen:

Yesterday evening I chaired a Parish meeting at St. Ouen and, as very often happens - even when there is a football match on - the discussion after the meeting went on for some time discussing politics and someone asked the question: "Did you hear this morning's debate on the radio?" The answer came: "No, because once one Member had gone on for more than 10 minutes I switched off and went and did something else." Yet here we are, we are an Assembly who are pressing so hard

for engagement with the public and yet what we do is we put the public off engaging with us. I have, over a lifetime sat and heard many speakers. In fact, not only in the days of this House, but I also go to church every Sunday and so hear another speech on a Sunday, and I was fortunate in my earlier life to have had the late father of Senator Le Gresley preaching at St. George's for about 15 years. Not in one go, I will say. **[Laughter]** But I will say this about him - and I think that his son has probably learnt something from him - he was always short and precise, he always had an important message to give and gave it straight away. You did not have to wait for the end of it to find out what the message was. The message was the first thing that was given and then he elaborated on the message. I think it was Deputy Trevor Pitman who said this morning that he felt that this proposition might stop him from getting the message across because at the end of 15 minutes he was just getting to the message. I would say that is not the way to get a message across.

[11:30]

I think that we have heard some of the worst of what this Assembly can do this morning. With all due respect to Deputy Le Claire, his contribution this morning was first of all telling us how much he agreed with the lady at the funeral and then going off and disagreeing with everything that he had just agreed about. That is what puts the public off listening to us, puts the public off engaging with us. I am not saying that this proposition will achieve anything other than it has given us the opportunity to look at ourselves and I think that we need to learn from this look at ourselves and see whether we cannot do this better.

2.1.16 Senator J.L. Perchard:

I think it is important that Members remember that we are not here to entertain listeners to Radio Jersey and at times speeches will need to be of certain substance and perhaps length in order for a point to be made and that is why I cannot agree with the whole of this proposition, but I will come back to that in a minute. There are parts of it that I would like the House to consider. I will tell you why. It is possible, and Deputy Le Claire this morning has described a tactic he used in order not to influence the debate that he was partaking of, but to influence what happens in this Chamber tomorrow, to influence not the debate which is being debated now, but influence perhaps another debate by not allowing it to happen. It is possible that someone could speak for hours. Henry Peter Brougham on 7th February 1828 spoke in the House of Commons for 6 hours on law reform. The longest speech ever was 124 hours - 5 days and 4 nights - by a Frenchman, Lluís Colet, and he spoke about Salvador Dalí. It is possible that a Member could speak in order to deny this Chamber the opportunity to debate the budget. It is possible that a Member could speak in order to deny the Chamber the opportunity of passing some legislation that needs to be passed. One Member would have the ability to stifle democracy, should they choose to exploit that. So, that is why I want to just ask Members to look at the proposition, the particular details of the propositions and I will allow Members the opportunity of just finding it, if I may. The proposition is divided into (a), (b) and (c) and I do not think it would be unreasonable for this House to approve (a) and (c), but forget (b); (a) says that there should be a limit on the length of speeches, whatever that limit is can be considered by P.P.C. and decided at a future time by this House and (c) invites P.P.C. to bring forward some proposals for a limit. I think I have made the case that there should be some sort of limit to ensure that Members would not exploit the opportunity that they have to deny a debate to take place on a very different subject.

Deputy M. Tadier:

Could I ask a point of clarification? I will give way to my esteemed colleague first.

Deputy A.E. Jeune of St. Brelade:

Can I just ask of the previous speaker, what he said was to take (a) and (c) and in referring to (c) he said to request Privileges and Procedures Committee to bring forward some proposals, but that is not how I read (c). Could he clarify that for me please?

Senator J.L. Perchard:

As I see it, and perhaps it would need confirmation from the Chair, we could vote on (a) and (c) separately and the effect would be to invite P.P.C. to bring forward a proposal to give effect to a proposition that they would bring.

The Deputy Bailiff:

As I see it if (a), (b) and (c) were taken separately and (a) and (c) were adopted and (b) were not adopted it would be left with the Privileges and Procedures Committee to consider what form of amendments to Standing Orders should be brought forward on the assumption that those contained in (b) would not be those brought forward. If I may also say, in relation to Senator Perchard's speech, that it might become impossible for matters to be debated. Standing Order 167 says: "The Bailiff shall decide any question of order or procedure, which is not provided for in Standing Orders. If any such question arises during a meeting and requires immediate decision the Presiding Officer shall make it." If the Chair reaches the view that there is an attempt being made by Members to prevent a subsequent proposition being adopted for wholly improper reasons, in my view, the Chair has the ability to bring the debate to a close.

Deputy M. Tadier:

I have a question of clarification. Senator Perchard mentioned the Frenchman who is Lluís Colet who spoke for 124 hours about Salvador Dalí, but could the Senator confirm that that person was not a politician, it was just somebody who set a world record for that particular purpose and it is perhaps misleading to suggest, in this context, that he was a politician filibustering.

Senator J.L. Perchard:

I am not sure of the profession of Mr. Colet but I did give the subject matter of his speech.

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

I was waiting to hear the massed ranks of supporters of the proposer marshal their arguments and bring them to this Chamber in order to persuade this Chamber that we should indeed do what the Member says, because he gave no introduction whatsoever except to refer us to his report which says: "Members who have spoken to me and encouraged me to bring this proposition have had different reasons for supporting the principle of maximum time limits and I will leave them to articulate those to Members." The thrust of his argument in paragraph 3 is: "I have the troops and we are going to persuade you" and so far I think I have heard 3½ voices speak in more or less support of this proposition. So, on those sort of grounds this ought to go down to a vote of 3½ in favour. Oh, sorry, I forgot the proposer who may also decide to support it and not to withdraw this piece of noxious material. Yes: do we have a perfect system? Is this Chamber perfectly efficient at doing what it is supposed to do which is running this particular Island? No one, I think, would say it is perfect. It has its faults but it is democratic with all the faults that come with democracy and it was Winston Churchill, I believe, who said: "Democracy is a lousy way to run a country but it happens to be the best available." Make no mistake about it, this is an attempt to limit the democratic freedoms enjoyed by Members in this House. Why is that so? Because almost uniquely in the world we do not have party politics, we are all independent Members doing their own thing and contributing as best we can to the best of our consciences to the running of the Island. We do that in a variety of ways but there is no whip. There is no organisation, apart from that which is Ministerial, so therefore there is a limited check and balance. In a party system there is an automatic check and balance built-in and when we refer to other places, which the proposer has done who run things differently with time limits, *et cetera*, we have to bear in mind, as the Deputy of St. Mary has pointed out, that they run on completely different systems. If you go along to the House of Commons you will not see 630 people in there, or rarely, and you will see people with their feet up on the side lounging back; 20 or 30 people in the Chamber at any one time. You go to the House of Lords and you will see similar. Like our system, what happens in those

democracies? The work goes on outside the Chamber. Yes, there are highlights, the equivalent of our Strategic Plan, of our Business Plan, of our budget, when everybody is packed in there but the reality is the work goes on elsewhere. Everyone is in a Select Committee, everyone is on a Committee of Inquiry into this, that or the other. Legislation is picked apart in fine detail and put back together again with a mass of officers doing the real hard work for them. That is the reality. Now, we have a democracy and we have a new system. We have Ministerial government with its ranks of officers and we have a system of Scrutiny. Yesterday we saw Scrutiny, I think, working at close to its best; in a short timescale they realised that they had no idea what was going on about the Gambling Law and said: "Heck, we had better do our job. Let us call it in, turn it around in a fortnight, and get some analysis of what is happening." As a result they managed that and they did a report, they spoke to the department and they got some small amendments and some assurances that what was happening was correct. Well done. How many times in this year are they going to do that and do it successfully? How many times this year will I manage to do that and do it successfully? How many times even will the Corporate Services Scrutiny Panel do that and do it successfully, and they are running through reports at a fairly rapid rate? They are working really efficiently. Not many. Will we examine 10 per cent in detail of the legislation coming through this? Will we examine in detail 10 per cent of the policies coming through from the Council of Ministers? We will not. That places an added burden on this Chamber and the debates which take place in this Chamber over policy and detail and legislation, and it is dependent on each and every individual in this House doing their best. Under that sort of circumstance, with heavy reliance of what goes on in this Chamber, the last thing we should be doing is limiting the powers of a Back-Bencher, of individuals in this Chamber to hold this Council of Ministers to account, because that is the key. Where are the checks and balances? In other systems there are other mechanisms set up for centuries in order to achieve that end, we are just starting. I happen to think we are doing really quite a good job, considering where we started, and the checks and balances are working, but it is limited. The last thing we ought to be doing is going down this route, and when I think about the 3½ statements that we have had, we have had 2 of those statements, one from Constable Norman, which was the most absurd premise I have ever heard: "I am going to vote for this proposition because it is possible that the entire bank of Constables will stage some sort of coup each speaking for 2 hours and block some vital piece of legislation in a revolutionary way."

[11:45]

I look forward to the day when it happens. It would be the equivalent of *Scheherazade 1001 Knights*, and I look forward to hearing a Constable speak for 2 hours on any particular topic at all. I would be a privileged man if I heard that. But that was his sole reason for supporting this. Then we had the possibility from Senator Perchard and, again, equally specious of the possibility of someone holding this Chamber to ransom with a 124 hour speech on Salvador Dali. **[Laughter]** I refer back to the proposer who says: "Members who have spoken to me and encouraged me to bring this proposition have had different reasons for supporting the principle of maximum speech limits." The 2 most relevant are the 2 I have just referred to, and really they are no reason at all. We have this fear that what we are doing is we are boring the public and we are wasting our time. There are defects in the way we run things in this Chamber. I believe the Chair could and should be far more interventionist on the subject of is this relevant to the proposition. **[Laughter]** The Chair knows that I will be bringing a proposition on questions that the answers provided by Ministers should relate to the question, because that is another way in which we avoid any sort of accountability. It is very rare that I use the slippery slope argument, but this is one. Members must believe me when I say that if we permit this proposition to go through it will not be the last we hear of this type of proposition. If we take this route of limiting our democratic freedoms then we take that step and we imperil our fundamental basis of our democracy because we will not see ourselves ever taking that back and easing it. There is only one way forward, but sooner or later somebody will come up and say it is still not efficient enough, it is still too democratic, which is inefficient, therefore we will have to tighten up again and again and again. The prospect I fear is what I

witnessed in the Canadian Parliament when I was over there on a C.P.A. (Commonwealth Parliamentary Association) visit where question time there is down to and is literally a bear pit ... not literally, that would be strange. Metaphorically it is a bear pit. Question time in the Canadian Parliament; Ministers get one minute to answer the question. The question does not get asked, it is on a paper and they say, answer to question 3, and they go ... one minute's worth. Nobody actually listens. Other people are talking to each other, you can barely hear a thing. One person is standing. Who is answering the ... oh there he is, he is standing over there, and he rattles an answer out, one minute, sits down again. On to the next one. Token democracy, token accountability, absolute chaos. The end result of this, if we take this step today, first step on this route, might well be that sort of bear pit sound bite democracy with no content whatsoever. There are occasions, as the Deputy of St. Mary has said, when it is entirely appropriate that someone in this Chamber, like someone in the House of Lords, with the expertise, with a lifetime's expertise on the subject, stands up and informs this House what the issues are, what the dangers are, in an appropriate way. This is, I believe, the thin edge of the wedge. We have failings in our democracy, this particular proposition does not address the crucial ones. We have to address that elsewhere, and I believe this particular proposition should be rejected. Before I finish, I would just like to offer a piece of advice to Deputy Le Hérisier, who could halve the length of almost every one of his speeches if he did not start with "on the one hand". [Members: Oh!] The instant the good Deputy gets down off the fence his speeches will get half the length.

2.1.18 Deputy J.M. Maçon of St. Saviour:

A very minor point. It is one on a practical ground. We get different propositions here on, say, we might get (a) and (b), so you might think that is very easy to address the speech within 15 minutes on the proposition on (a) and (b). What happens when we have a proposition on (a), (b), (c), (d) all the way through to (g), which we have seen recently even in this sitting. On a practical ground what happens if you have to address (a) and (b), which you may agree with, something in the middle you may be indifferent to, and then one at the end you are very much against. Again, how, on a practical ground, can you possibly address all of that within 15 minutes? It may not happen frequently but I think it is a minor point, but again is it right to start saying: "I am sorry, you have had your 15 minutes" even though you are only halfway through the proposition. I think it is right that Members should be able to speak to every point within a proposition and therefore I am unable to support this.

2.1.19 Deputy A.E. Jeune

I do not believe that we have to speak to every proposition, whether we agree or disagree, and I was not going to talk to this one until I heard Deputy Southern. If he was suggesting that other jurisdictions that do have time limits are not democratic I would say to him I think the Australians would tell him, in a very few choice words, that they most certainly do have a democracy. I will be supporting this proposition.

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

I do not agree, as someone suggested, that this proposition limits the freedom of speech, albeit it gives it parameters. Clearly different Members have differing styles of delivery and some styles are acceptable to some but perhaps not others. I clearly remember a former States Member telling me at an induction meeting, which took place when I was first elected that States Members do tend to like the sound of their own voices. I have concluded in the 5½ years that I have been sitting in this Chamber that that observation is correct. Some Members adopt a lecturing style, and I do not believe this is the appropriate Chamber for that. It is a debating chamber and I think a debate needs short succinct speeches. I think one of the most fundamental points for Members to consider is that of attention spans. My understanding, and I think was alluded to by Deputy Tadier earlier on, that this is in the order of 10 minutes. What is the point in the Member making a long rambling speech if no one is paying attention? I feel this is often the case. The operation of the States Chamber is

an expensive business. Like it or not, Members have much to do in attending their various States affairs and, quite frankly, is just not cost effective for one Member to take up disproportionate amounts of time. I think there would be merit in P.P.C. considering whether, at the outset of a States term, they might arrange some sort of training for Members, and this was alluded to in an earlier speech. I think training in effective speaking would be extremely useful and I have no doubt at all it would be of great benefit to Members and also from a cost point of view. For myself, while being envious of those who are articulate and effective in their delivery, I must admit to having my views on a particular debate sometimes changed by a particularly long and, in my view, tedious, dull speech. I would conclude by saying that I believe that Members speak at length at their peril. Regrettably there is a lack of self discipline in the House with regard to lengths of speeches, this is a constant point that is made. Regrettably it does not seem to work, so I shall willingly support this proposition and endeavour to make this House more effective in its delivery of debates.

Deputy M. Tadier:

Can I ask for clarification on a point? The Constable implied that longer speeches cost the States more money. Can he justify that statement?

The Connétable of St. Brelade:

Yes, indeed. The presence of this House sitting in this Chamber costs money in terms of transcription time, officer time sitting here, and I think that is quite important to consider.

2.1.21 Senator T.A. Le Sueur:

Maybe I will be the other half that brings Deputy Southern's total up to 4 because I think that this proposition is symptomatic of the concern that many Members have, especially this morning, that what we are doing at the present time is not the best way that we should be proceeding. This may not be the perfect proposition but it is a way of stimulating some sort of improvement on the way we go about things. I hope that the proposer will take this in 3 separate parts because I think that by accepting part (a), even if we rejected part (b), by accepting part (a) and then part (c) we stimulate P.P.C. to look at the wider issue because it is not simply the time limit of speeches, which I think causes the concern about the way we do business, it is one aspect of it. I fear that in rejecting this proposition as a whole we will simply suggest that everything is all right. Everything is not all right at the current time. If we can find ways of improving it let us at least make the effort to try and do that.

2.1.22 Senator P.F.C. Ozouf:

Deputy Le Hérissier said some time ago that short speeches are the most difficult, and he is absolutely right. The rule of thumb for a decent speech, in my view, should be an hour's preparation for 5 minutes of delivery. For a really important speech it is about 3 hours per 5 minutes. That is the difficulty. Members... and I have not got a prepared written speech on this, and so I am guilty, but we do address the Assembly on the hoof without thinking and preparing our remarks and preparing our arguments. Having time-limited speeches, would require us to prepare and to put more thought in the observations that we make to this Assembly. I do not believe that this is a curtailment - in terms of time-limited speeches - of freedom of speech. We are not curtailing the ability to speak but rather the context and the time in which we are speaking. So I think the key, as Deputy Lewis said, and other Members have said in their partial support of the proposition, is going to be in the drafting of Standing Orders. Deputy Lewis was right, I think, when he said that there are circumstances that could be envisaged in Standing Orders, when a continuation of a speech could be made by lifting of Standing Orders or permission of a majority of the Assembly, so I cannot help but remind Members that they might not be aware of this, that I do not think that there are time-limited speeches in the House of Lords. But there is an ability for all Members of the House of Lords in a majority to stop a Member from continuing, and that is the problem. It is difficult to say it but there is a problem with the minority sometimes: with a Member

who has not got the will of the Assembly, who is making a relevant point - perhaps I am not making a relevant point - in a debate that after a certain period of time surely the Assembly's wish in the majority should be that speech does not continue over what is already a reasonable amount of time to speak. That is how other assemblies do it; that is how the House of Lords does it. I know that one of the issues that Senator Routier has suggested in his proposition is that we are going to require a clock in terms of the time of a Member speaking. I cannot help but think that maybe I am guilty of this; one does not know how long one is speaking sometimes. I think a visible clock, quite apart from a time-limited issue, would be quite helpful to Members because there is peer pressure. Members are pointing at the clock there, but a clock counting-up the amount of time that you have been speaking is quite an important issue as opposed to ... because one sometimes forgets if you have just arrived in the Assembly, you do not know how long somebody has spoken but a clock counting up how long you have been speaking would be quite useful.

[12:00]

So I think there is a whole series of subtle issues which can be dealt with. It is right, and the Chief Minister is quite right, that there is not a high regard in this place ... sorry, this Assembly is not held in high regard by the public. They do not think our debates are relevant, they do not think that we are efficient and I am afraid that we all have to realise that we have to make a number of improvements in the conduct of our affairs. There is no comment from P.P.C. and that might be because they have not got a view. I think that at the minimum we should be supporting part (a) and part (c) to ask P.P.C. to be looking at this issue, to be researching it, to be finding solutions to the problem that we have got that are conduct, and our debates are not effective and they are not efficient, and we need to do something about it. I will be supporting all parts of the proposition because I think that Senator Routier has come up with a sensible parameter which could be changed in subsequent debates but if Members have got ... if they do not like part (b) then they can be supporting (a) and (c) to improve our affairs, to improve our efficiency and the standing of this Assembly in the community at large.

The Deputy of St. Mary:

Can I ask a point of clarification? The speaker is quite correct that more time on preparation the shorter the speech may be, does that mean that Ministers are going to write their own speeches from now on so that there is a level playing field?

Senator P.F.C. Ozouf:

Ministers are asked by this Assembly to carry out functions on behalf of the States of Jersey. I write a lot of my own speeches but I do get assistance in preparing some of the set piece speeches in business plans and budgets. I think that if the Deputy of St. Mary was in my position he would expect that too in the work commitments and what we have to do. So I do not think the criticism is fair. Ministers work hard and their speeches are delivered on their own work in large measure.

Senator S.C. Ferguson:

Could I ask for clarification? Is the Minister for Treasury and Resources recommending that the clock is moved from its current position to behind the Governor's chair where all Members of the States can see it, and particularly those sitting, with respect, around Deputy Wimberley?

The Deputy Bailiff:

That is not a point of clarification.

Deputy M. Tadier:

I have a point of clarification about something that was raised in Senator Ozouf's speech. He mentioned that the shorter the speech ... a short speech might require hours of preparation time. Now, if that preparation is being done by civil servants how much are these short speeches likely to cost the taxpayer?

Senator P.F.C. Ozouf:

I do not think the Deputy is making any relevant points in relation to assisting the conduct of this debate. He knows what I meant. I hope he does. It was I was talking about the speech deliverer's preparation, quite apart from the research that goes in to the drafting of the actual content of that speech. I do not think it is helping the debate.

The Deputy Bailiff:

Can I just say to Members that Standing Order 104(2)(a) says: "A Member of the States must not unduly repeat his or her own arguments or the arguments of others." We have been debating this proposition for 2 hours, I think there have been very few new points made for myself in the last one hour. I have 2 Members who are not wishing to speak. Deputy Le Fondré.

2.1.23 Deputy J.A.N. Le Fondré of St. Lawrence:

I think I am slightly losing the will to live. I think, in essence, firstly I will try and drag us back to, I think it was, Senator Ferguson expressing her unease on the whole subject and that is where I am. Fundamentally I do not think I will support any of it. I am slightly ambivalent on the suggestions by Senator Perchard. I think part (b) is inherently flawed anyway, although it might be of attraction to at least one Member because, for example, it makes specific reference to the Strategic Plan, the Annual Business Plan or the Budget but, for example, leaves out the Island Plan. Unless Senator Cohen or the Minister for Planning and Environment is going to present all, I think, 11 sections of the Island Plan in 30 minutes ... which he may be able to do it in 5.

Senator F.E. Cohen:

I could try.

Deputy J.A.N. Le Fondré:

I think there are some flaws in the detail and therefore on that basis (b) in itself is not going to be, in my view, acceptable. I think fundamentally if there are issues it comes down to self-discipline. That point has been made a number of times. Any speaker who speaks for too long on a particular subject must know inherently they are damaging his or her desired outcome and that is their balance of judgment, and I think that should stay. Somebody suggested to me making a ... doing a trial of how serious the problem is. To me it is to address the issues surrounding one or 2 individuals or a small collection of individuals who have a propensity to speak for a long time. What I do have to say is that speaking personally, and I do try and look at this, whichever hat one wears, is that in my 5 and something years here I know at times I have spoken on, particularly Parish subjects or as a speaker on a proposition on which I have been involved but not the proposer, I have spoken for more than 15 minutes. I try not to speak that long but sometimes I do and sometimes I feel it is necessary. As far as I am concerned that is the danger we go into. So on that basis I will not be supporting any of it.

2.1.24 Senator B.E. Shenton:

I will be very brief. I think part of the problem is the amount of time we spend in this Chamber. I have got 2 very important P.A.C. (Public Accounts Committee) reports that I need to get out, one on Home-Buy and one on financial reporting accounts. I cannot do any work on it while I am stuck in here. Another problem is those Members that feel that they have to speak at length on every single subject that comes up. They know who they are. Some of them think it is quite amusing. I can assure you that most of us do not. With regard to the actual cost of sitting in this Chamber, it works out at approximately £1,800 an hour. A 3-hour speech will cost about £6,000 to the taxpayer, questions cost around £200,000 if we go on a written question. I know that many Members think that there is no cost to democracy but there is a cost, and there is a substantial cost and Members should bear that in mind.

2.1.25 Deputy S. Power of St. Brelade:

I will be brief. It was Sir Winston Churchill who says it takes a long time to write a short speech, I think. I would remind Members that the public listen to us all the time and when we go on and on and on in infinite detail they switch off. They start to listen to us and then they switch off. I remind Members that the public do know who they like to listen to and who they do not like to listen to. I will be supporting part (a) and part (c) but I cannot support part (b). I would issue this challenge to Senator Routier, comparing it to what happened to me. I brought the Residential Tenancy Law through the States in the middle of 2009 and I think when I calculated the amount of time I spent in proposing the proposition, then replying in the debate, I was about 4.5 hours on my feet all told. I would suggest that Senator Routier, when he brings the migration policy to the States, I would think he would be a better man than me if he can do it in 45 minutes because it is such a massive piece of legislation that is about to hit this Assembly. Somebody referred to the principle and discipline of churches and rectors, ministers, priests and whatever, most of them are advised that you do not hold people's concentration for more than 10 minutes, and I think it is a very good rule. I have a friend who recently did a revision in the American Pontifical College in Rome and they were told, if you can keep it to 8 minutes. I think that is an important point to bear. That is all I wanted to say. I will be supporting (a) and (c). I think (b) is totally impractical.

2.1.26 Senator F. du H. Le Gresley:

I will be incredibly brief. I will not be voting for the proposition because I do believe it restricts freedom of speech, however I would urge P.P.C. to look at 8.5 of the National Assembly for Wales Standing Orders and I think you will like this one: "The Presiding Officer may announce a time limit on Members speeches and may direct a Member who has spoken for too long to stop speaking." I think that is something we could consider.

The Deputy Bailiff:

The President already has that power to some extent under Standing Order 108. Does any other Member wish to speak? I call on the proposer to reply.

2.1.27 Senator P.F. Routier:

I thank everybody who has spoken and thank you to all those supporters who have spoken; the number of people that have spoken to me before the debate and who have spoken during the debate. I make no apologies for bringing this forward to the House because most people who have spoken for and against the proposition all recognise that there is an issue that needs to be dealt with. There is a problem and we need to try and find a way to address it. I really think that it has been a useful debate and hopefully even if it is not successful - although I hope there will be some support for it - that we will have had a good debate and people recognise this is a problem that needs to be dealt with. The issue with regard to other topics which are outside of the Strategic Plan and the Annual Business Plan and the Budget, I anticipated that I would be asking P.P.C. to draft Standing Orders in a way that there could be a separate Standing Order which would allow for Standing Orders to be lifted for a particular debate. Because as has been identified, there are some big, big debates which do need to have the ability to have Standing Orders lifted. So I would have anticipated that happening. People have spoken about this being anti-democratic. For my part I have not brought this forward as a mechanism to be anti-democratic in any shape or form. To my mind there have been occasions when because there have been long, long speeches that some other Members have not had the opportunity, because we have been coming to the end of perhaps a Thursday night when there has been not enough time for other Members to have their say. I know everybody has equal opportunity to speak but on practical matters people who have been here for perhaps for 2 or 3 days and they have other meetings to go to on the Friday, and they have not felt inclined, and they have been denied the opportunity, to speak. Deputy Le Claire, I hope that I can assure him that this is in no way trying to silence anybody. My desire in this is to give everybody an equal opportunity to speak whenever they want to, but to be focused in what they are talking about. I think the people who are considering that this is a mechanism of rushing Members in their speech making... it is not

about that at all, it is about the preparation before. We need to come to this Assembly fully prepared for a debate. We need to be in a situation where we know all the facts, we have done all the research and this is the pinnacle of the decision making. A lot of the background work should have all been done in Scrutiny Panels, in meetings with other Members and then the actual decision we are being asked to make is made here and we make focused speeches in trying to get the right decision for our community. This is the reason why I am bringing this forward. That is what is behind this.

Deputy P.V.F. Le Claire:

Can I apologise to the Senator for the earlier comments in regards to the motivation for this? I do apologise.

Senator P.F. Routier:

Thank you, I appreciate that. The Deputy of St. John mentioned about the importance of Members being able to bring information to this Assembly, detailed information. As I said earlier, I genuinely believe there is a mechanism for doing that.

[12:15]

There already exists ... there is the ability to have meetings with other Members, to have briefing meetings, to have information in reports so that everybody has the opportunity to understand the topics that we are debating here, to just have the focus on the debate, on trying to persuade other Members on the main topics of a proposition. The Deputy of St. Mary derided my opening speech as being brief and weak but I recall one of the most powerful debaters in this Assembly, Senator Tomes, many years ago. He used to introduce his propositions in a very similar manner and he achieved so many things because people had prepared beforehand, they knew what the debate was about and then he would sum up and cover the matters in the summing up. That was a very, very effective way of debating and hopefully I might be able to achieve a similar sort of thing today. Senator Perchard talked about the possibility, and others, and Senator Maclean, of separating out the (a), (b) and (c). I will be prepared to do that if Members want to do that. I was half expecting some amendments to this proposition to have shorter times because some of the comments that I had in the lead-up to this debate said: "Why are you having 15 minutes? Why are you having 30 minutes?" So I was half expecting some amendments to the time limits. But, as I say, I will be prepared to take (a), (b) and (c) separately and Members can make a judgment on those. Deputy Maçon spoke about the practicalities of if there were different paragraphs. I would say if there is a separate debate on a different paragraph well the time limits would affect those particular paragraphs. So it would be a matter, obviously, that would need to be worded in the Standing Orders. This proposition really is just trying to focus Members' ability on how we use our time. That is what this is all about. We have all got varied workloads, we have all got things to be doing in this Chamber as Ministers and as Assistant Ministers, even in our Parishes as Constables and Deputies and Senators, we all represent our constituents and we are called upon to do things. We had a very good example this week of Scrutiny being able to do things in a week, which was excellent, but we do hear Scrutiny members saying: "We do not have enough time to scrutinise things." That is an issue which needs to be addressed. The time we spend in this Chamber is too long. We are not able to do our other functions that we need to do to bring things to this Assembly. This is where we make the actual decision to do things but this is, as I say the pinnacle of that decision making. A lot of the background work is done elsewhere. I think we have a long debate; too long for what I would have hoped this debate would have been. Some people have said that other jurisdictions have got different systems and that but they do have limits. They do have limits on timing and they are democratic. They are democratic legislators and I believe that they do have the right way forward of trying to get people to focus on their speechmaking. I ask Members to support this proposition, I will be taking it separately, (a), (b) and (c) and I ask for the appeal.

The Deputy Bailiff:

Can I suggest that (a) and (c) could be taken together because if Standing Orders are to be amended it would be for Privileges and Procedures to give some direction.

Senator P.F. Routier:

Yes, I thank you for that, Sir.

The Deputy of St. Mary:

Can I make a point of order on what the Senator has just said, and it is a point of order. He claimed that in a debate with a proposition with lots of paragraphs it would be possible to debate the paragraphs separately and therefore the speech limit would not apply to someone who wished to address all the paragraphs. But we can only do this in an in committee debate, we can only split debates into sub-debates on different paragraphs if we were to allow people to speak more than once, is that not the case? So the point does not stand.

The Deputy Bailiff:

It depends how the proposition is framed, Deputy, you are quite right. There will be some occasions when it would not be possible to do this, there may be other occasions when it is, it depends on how the proposition is phrased.

The Deputy of St. Martin:

During my speech I did mention that the Senator had made a comment about a number of Members had spoken to him and encouraged them to come forward. I did ask when he summed up that he would tell us who those people were or, indeed, the number. I did not hear the answer but maybe he could give it now.

Senator P.F. Routier:

They have spoken this morning.

The Deputy Bailiff:

You called for the appel, Senator, did you? Very well, the appel is called for and the first votes will be taken on paragraphs (a) and (c) of the proposition to agree that Standing Orders of the States should be amended to introduce maximum time limits for speeches made by Members during the debate on any proposition, and if that were to be passed obviously to request the Privileges and Procedures Committee to bring forward necessary amendments. I ask the Greffier to open the voting inviting all Members to return to their seats. The vote is on (a) and (c).

POUR: 23		CONTRE: 22		ABSTAIN: 1
Senator T.A. Le Sueur		Senator A. Breckon		Connétable of St. Mary
Senator P.F. Routier		Senator S.C. Ferguson		
Senator P.F.C. Ozouf		Senator F.du H. Le Gresley		
Senator B.E. Shenton		Connétable of St. Helier		
Senator F.E. Cohen		Connétable of St. Lawrence		
Senator J.L. Perchard		Deputy R.C. Duhamel (S)		
Senator A.J.H. Maclean		Deputy of St. Martin		
Senator B.I. Le Marquand		Deputy R.G. Le Hérissier (S)		
Connétable of St. Ouen		Deputy J.A. Martin (H)		
Connétable of Trinity		Deputy G.P. Southern (H)		
Connétable of Grouville		Deputy of St. Ouen		
Connétable of St. Brelade		Deputy of Grouville		
Connétable of St. Saviour		Deputy P.V.F. Le Claire (H)		
Connétable of St. Clement		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Peter		Deputy S. Pitman (H)		
Deputy J.B. Fox (H)		Deputy of St. John		
Deputy of St. Peter		Deputy M. Tadier (B)		

Deputy J.A. Hilton (H)		Deputy of St. Mary		
Deputy S.S.P.A. Power (B)		Deputy T.M. Pitman (H)		
Deputy K.C. Lewis (S)		Deputy T.A. Vallois (S)		
Deputy A.E. Jeune (B)		Deputy M.R. Higgins (H)		
Deputy A.T. Dupré (C)		Deputy J.M. Maçon (S)		
Deputy E.J. Noel (L)				

The Deputy Bailiff:

The second vote therefore is on paragraph (b) which sets out the proposed time limits. I will ask the Greffier to reset the voting and to now open the voting.

POUR: 13		CONTRE: 33		ABSTAIN: 0
Senator P.F. Routier		Senator T.A. Le Sueur		
Senator P.F.C. Ozouf		Senator A. Breckon		
Senator B.E. Shenton		Senator S.C. Ferguson		
Senator F.E. Cohen		Senator A.J.H. Maclean		
Senator J.L. Perchard		Senator B.I. Le Marquand		
Connétable of St. Ouen		Senator F.du H. Le Gresley		
Connétable of St. Brelade		Connétable of St. Helier		
Connétable of St. Saviour		Connétable of Trinity		
Connétable of St. Clement		Connétable of Grouville		
Connétable of St. Peter		Connétable of St. Lawrence		
Deputy K.C. Lewis (S)		Connétable of St. Mary		
Deputy A.E. Jeune (B)		Deputy R.C. Duhamel (S)		
Deputy E.J. Noel (L)		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		

3. Composition of the States: implementation of remaining Clothier reforms – referendum (P.3/2011)

The Deputy Bailiff:

We now come to P.3/2011, Composition of the States: implementation of remaining Clothier reforms - referendum, lodged by Deputy Shona Pitman of St. Helier and I invite the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that a referendum in accordance with the Referendum (Jersey) Law 2002 should be held to run in tandem with the 2011 Election Day on the implementation of the following package of 6 key points of reform based on recommendations in the Report of the Review Panel on the Machinery of Government in Jersey, dated December 2000, chaired by Sir Cecil Clothier; (b) to agree that the text of the question should be: “Do you agree that the States Assembly should be reformed prior to the next Election Day after the 2011 Election Day to incorporate the following points: the Bailiff should cease to act as President of the States or to take any political part in the Island’s Government and the States should elect their own Speaker, who should be a non-States Member; the office of Senator should be abolished; Connétables should cease to be ex-officio Members of the States; all Members of the States to enjoy the same title, ‘Member of the States of Jersey’ (M.S.J.) (as recommended in Clothier) or States Members (S.M.s) and serve a uniform 4 year term; there should be an Assembly of between 42 – 44 Members; an independent Electoral Commission to re-assign the 42 – 44 seats between the 12 Parishes. YES or NO”; (c) to request the Chief Minister to take the necessary steps to implement the referendum.

3.1 Deputy S. Pitman of St. Helier:

I see the regular Members walk out of the Chamber when certain Members speak. In making this proposition I believe that there are 3 points that I need to clarify straight away. The first is that, as Members will know, there is an amendment to this proposition lodged by Senator Le Gresley. I would advise Members that having discussed this with the Senator I fully understand why he has lodged this amendment. Further still, that I am happy to accept the amendment and leave the decision on whether to support or reject this entirely up to the judgment of Members. To this I would explain only that I decided from the wording in my proposition in relation to the identity of the States speaker purely on what I saw as the interests of clarity and advice from the Greffe. The second point is that whatever Members’ views on the merits of Clothier proposals, I feel that it must be said that the comments from the Council of Ministers, essentially stating that they opposed the proposition on the grounds that the 6 points are too difficult for the public to understand is incredibly insulting to the people of Jersey. Every one of us in the House would, I believe, feel highly offended if it was suggested that we could not reach our own informed conclusions upon reflecting on the issues. Does any one of us then really think that the public are any less able to do the same? The third matter is to explain that I decided on these 6 points to be put in a referendum simply because while we have of course accepted various aspects of Clothier also within this review the Lord Carswell report and MORI polls 1998 and 2006, these issues were evidenced as fundamental components of a more democratic government and they are: how many Members sat in this Assembly? What type of Member? The issue of political boundaries and all having the same level of representation throughout the Island and whether the Bailiff should hold the dual role of Head of the Judiciary and President of the States. Furthermore, as to why I believe that these questions need to be asked together, in the words of Clothier: “The need for coherence and consistency in government leads us to emphasise that our arguments and recommendations are all interlinked and interdependent and so must be looked at as a package rather than a collection of isolated proposals. We hope, therefore, that the temptation to pick out those of our ideas which look simpler and easier to implement will be resisted.” Of course, we know that this is exactly what happened. They are also, of course the issues that have often come up when one reads the esteemed *Jersey Evening Post*, listens to the radio or when I was canvassing during the elections of 2005 and 2008. This was something that was on a lot of people’s minds. So too was the perception that we are quite incapable of agreeing major democratic reforms if left to our own devices in this Chamber. With these 3 matters out of the way I will briefly turn to personal reasons why I am calling for a referendum.

[12:30]

I will say here firstly that I do not believe that we have to have the full Clothier debate that never was more than a decade after the report was published. The reason why I have brought this proposition is simply in the hope that now in my sixth year in the States we can finally agree on something that has the potential to consign the endless and protracted debates on the merits of Clothier and a significant number of propositions since on the form to the history books by asking the people of Jersey what they believe is the right way forward. Is it really such a difficult thing, far too complex for the average person living in Jersey? Too often I have heard in this Chamber that we know best, that we have all the answers, that our interpretation of democracy and accountability is better than the public because we are the politicians. Cecil Clothier and his panel did not seem to think that was a problem, to give the opportunity for the ordinary person to understand their explanation of what they believe a modern democratic government in Jersey should look like. "Because we have" and I quote "defined the scope of our review with some precision our report may be rather short. It is, in part, also the result of the deliberate aim to make our report reasonable and accessible to every citizen of Jersey." What I am asking people to vote upon in a referendum is far simpler and straightforward than this detailed report. So why do we not need another Clothier report? Much is now suddenly being made of the possible need of a full electoral commission to explore all aspects of reforming our political system. Having participated in more reform debates during my 6 years in the States, as I can remember, one fundamental issue appears to be seriously overlooked. This is what guarantee is there that whatever any new electoral commission came up with would be any better or any more palatable to various members within the Assembly than the very workable recommendations of Clothier and the Carswell reports. There is no such guarantee. It is worrying that the concern among Islanders, I believe, is that some Members will be tempted to reject giving the Island's people a say on the reforms put forward and opt for Clothier 2011 or whatever it will end up being called because it will effectively allow this Assembly to do nothing once again. This possibility... I find myself feeling pained at the thought. It has been this doing nothing or one step forward, 2 steps back approach that people are tired of and as a consequence I feel has been a contributing factor towards our poor voter turnouts. It is time to put our vested interests aside and let the people have their say on a package of changes that will finally put most of the arguments of the past to rest one way or the other. So let us briefly look at the apparently "too complex for the public to understand" issues I would have a referendum cover. The first one, the Bailiff should cease to act as President of the States or take any political part in the Island's Government and the States should elect their own speaker who should be a non-States Member. Because I think this is the most contentious issue I have focused more on this particular one. In my view, this is justified by the origins of the position of Bailiff which can be found in the visitor information available at the Greffe bookshop, and I quote: "The Assembly of the States of Jersey originated from the Royal Courts as the result of the Bailiff and Jurats consulting together with the rectors and Connétables of Parishes in times of emergency. What started during the middle of the 15th century as an occasional practice became an established custom until the States developed an independent existence of their own. By the mid-17th century the States also included the Governor, Crown Officers, Viscounts and [a position I cannot pronounce] the Denonciateurs. The Royal Court continued to make ordinances concurrently with the States until 1771 when an Order of Privy Council approved the Code of Laws drawn up by the States. The same Order finally constituted the States as the Island's sole legislator." This is the origin of the dual role of the Bailiff, which in its beginnings it is easy to understand why the 2 jobs began as the responsibility of one exceptional person, like yourself, Sir. However we are now in the 21st century and the most prominent argument against the dual role, that the judiciary should be independent of the legislature to ensure impartiality and that no one should hold or exercise political power or influence unless elected by the people to do so are still very pertinent today. These principles are enshrined in numerous and well-evidenced, I believe, recommendations in the Lord Carswell report of last year, Clothier 10 years ago and even a committee of the Privy Council in 1947. Within guidelines and principles drawn up and agreed by the C.P.A. (Comprehensive Peace Agreement) and U.N. (United Nations) Commission on Human Rights in 2003. We could

spend an entire week just debating this single issue, but this is not what the debate is about and the compelling arguments are, in my opinion, the change and suggestions as to what the new role of the Bailiff would consist of and how the speakers should be recruited, *et cetera*, are articulated in Clothier and the Carswell reports that the States commissioned. The second and third point, the office of Senator should be abolished and Constables should cease to be ex-officio Members of the States. These questions really can be discussed together and to say that they are not both topical and recurring almost on an annual basis, in some shape or form, with various reform proposals and MORI polls, *et cetera*. What these questions boil down to, of course, is effectively what is asked in point 4, i.e. that all Members of the States should enjoy the same title, Member of the States of Jersey. One type of States Member, it must be pointed out before we hear any objection, would not mean that a Constable could not sit in the States, only that he or she would not be there by virtue of the much argued *ex-officio* status. We have already agreed that a standard 4-year term - and I think the general public are behind us on this one - is a fair length for all Members to serve a term office and will be conducive to strategic plans, financial forecasts, *et cetera*, and in turn Ministerial government. Can it really be that we would be asking the electorate something so very hard to understand, that they would prefer one type of member within this Assembly? After all, having already voted for a fudge version of a general election surely this question would be all too easy to understand. Does a person want a messy election with 3 different types of Member and 3 different types of ballot papers or do they want the real thing? I do not think this is a difficult concept to grasp. Point 5, there should be an Assembly of between 42 and 44 Members and, point 6, that there be an independent electoral commission to reassign these seats among the Parishes, which was also addressed in the 2 MORI polls that I have mentioned. Once again these 2 questions could hardly be more topical and appropriate. Perhaps most important of all it should be remembered by all that accepting these points still allows us the ability to keep the Parish system in place, something that must be observed a reduction in numbers of Deputies alone would not be able to do if we are to have a fair and equal representation across the Island. To conclude, this is a debate about these important questions of democracy being worthy of putting to the general public, and I hope it will not transpire into one of Members' vested interests. As I have previously stated, because the States have not have the foresight and courage to implement the core Clothier recommendations that relate to the constitution of the Assembly. It has meant that the clamour for us to do so has continued on now for a decade. I would like to close now by saying this: if we sit here today and find excuses as to why we should not allow a referendum it is likely to result in nothing more than starting a Clothier process all over again with no guarantee that having to spend significant amounts of money that is not ours to waste but our voter's we may just end up back where we started, in exactly the same unsatisfactory position as we are now, which given the obvious frustration and dissatisfaction that this would generate with many across the Island would even be worse. Thank you, I make the proposition.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

I am reminded by the Greffier of an amendment which we will come to, if Members agree to adjourn now we will come to this after lunch. The adjournment is proposed. Before we adjourn can I just announce that P.33 - Public Holidays and Bank Holidays: designation of 19 October 2011 has been lodged by Deputy Southern. The States now stands adjourned until 2.15 p.m.

[12:42]

LUNCHEON ADJOURNMENT

[14:15]

3.2 Composition of the States: implementation of remaining Clothier reforms – referendum (P.3/2011) – amendment (P.3/2011 Amd.)

The Deputy Bailiff:

Can I please invite all Members in the precincts to come into the Assembly because we are not at present quorate. Very well, we resume debate on P.3 of 2011. There is an amendment in the name of Senator Le Gresley and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, Paragraph (b), in the first bullet point, delete the words “who should be a non-States Member”.

The Deputy Bailiff:

Senator Le Gresley, the proposer has indicated that she was prepared to accept this amendment and no doubt you will wish to take a leaf out of the book of Senator Routier in the admirable way in which he proposed his proposition this morning.

3.2.1 Senator F. du H. Le Gresley:

Yes, of course. This will definitely be a short speech. I thank the proposer for accepting this very minor amendment. I did bring it because, in essence, neither the Clothier report nor the Carswell report included the words “who should be a non-States Member”. While I appreciate that the Deputy has her own opinions and I have my own as to the value of one day a States Member sitting in your chair, Sir, that is not really the point. The proposed referendum is on the Clothier package of reforms and I did not think it was appropriate to tinker with the wording of Clothier, hence I brought this amendment and I propose the amendment.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak? Then all Members in favour of adopting the amendment, kindly show? Those against? The amendment is adopted. We return to the main proposition as amended.

3.3 Composition of the States: implementation of remaining Clothier reforms – referendum (P.3/2011) – as amended

3.3.1 Deputy P.V.F. Le Claire:

May I seek, I dread to say it, a point of order from you or ruling at least. I was looking at the comments of the Council of Ministers and it says: “The Council of Ministers opposes this proposition on the ground that it possesses a multi-faceted question which is difficult to interpret. The Council believes as outlined in the Referendum (Jersey) Law 2002 that a referendum should ask a specific question or a number of questions requiring a yes or no answer. The question proposed incorporates a number of complicated issues, each of which would need to be carefully considered in their own right.” With that in mind, I would like to ask you if it is possible, taking this proposition in 3 separate elements for votes, if the Assembly would not be able to achieve, as was achieved in the previous debate, an outcome by just approving (a) and (c), and I will explain myself. In the previous debate ...

The Deputy Bailiff:

This is a speech, Deputy, this is not a point of order.

Deputy P.V.F. Le Claire:

It can be, Sir. It was not really meant to be but it can be, if you like, I do not mind.

The Deputy Bailiff:

It is not a question of what I would like but so far I have not identified a point of order. It sounds like a speech.

Deputy P.V.F. Le Claire:

Yes, I am trying to get there. It is not quite so simple. The Council of Ministers' minutes seem to indicate that it is not practicable for us to agree (b) because it presents an entire package. Can I just get an understanding from you, is (b) saying that if this proceeds to a referendum that each of these bullet points will be presented in a referendum with a yes or no answer at the end of them? If that is not the case, would agreeing just (a) and (c) give effect to achieving that outcome?

The Deputy Bailiff:

I think it is perhaps more a matter for the proposer but on my reading of paragraph (b) the yes or no answer is to the question: "Do you agree the States Assembly should be reformed prior to the next election day incorporating the following points" i.e. all of those points, and so it is yes or no to one question, that is the way I understand the proposition. I do not know if that is the way the proposer intended it.

Deputy P.V.F. Le Claire:

In that case, I want to know if it would be within the gift of the Chief Minister, if we were to just agree (a) and (c), to bring back these 6 bullet points with a yes and no answer in the form of a referendum if we had decided to do so, as we have done with the previous proposition, because (a) reads: "To agree that a referendum in accordance with the Referendum (Jersey) Law should be held in tandem with the 2011 election day on the implementation of the following package of 6 key points of reform based on recommendations in the report of the review panel on the machinery of government in Jersey dated December 2000 chaired by Cecil Clothier" and then ask the Chief Minister to bring back the necessary steps to implement those in a referendum. Would it not then be possible for him to bring back those 6 key points in a yes and no answer or was that stretching it?

The Deputy Bailiff:

There is a difficulty in that paragraph (a) of the proposition talks about the following package and if, therefore, (b) is removed you do not have a following package of 6 key points. But the Chief Minister would have to address the Assembly on whether he thought that was workable in due course. I think, if I may say so, Deputy, you have started making a speech and therefore if you would like to speak on this proposition now is the time to do so.

Deputy P.V.F. Le Claire:

I am really getting a tough time from you today, if you do not mind me saying, because I think that was a genuine point of clarification before the debate began but now you have ruled that I have to speak and will be unable to present arguments contrary to opinions that will now be raised by the Chief Minister on these very points that I have just raised, so there we are. I do think that we should permit the people of Jersey to have a referendum on whether they think the Bailiff should sit in the Assembly. I do think that we should permit the people of Jersey to decide whether or not there should be Senators in the Assembly, I also think that we should permit the people of Jersey to vote as to whether or not there should be Constables in the Assembly, and even on one type of Member. I have always been of that view and campaigned on it quite heavily, having, over the years, been bludgeoned by the calls for us to be more business-like and more efficient we moved, undemocratically in my view, to a system of Ministerial government which once adopted threw out the rest of the reforms as no longer required, which I think was totally anti-democratic. I would like to congratulate the presenter of this proposal because in my mind it at least gives people the opportunity to give us a voice as to what they thought about those important reforms. We will never had a referendum on whether or not they thought a ministerial system should be introduced and, at the moment, we have had 2 significant debates chaired by eminent people on the role of the Bailiff and yet the people may not have a say themselves as to what they think about those collectively. I think that is not right. I had, after much wrestling with myself, come to the conclusion that a Ministerial system has changed the lay of the land. Working alongside Senator

Shenton I agreed with his proposition to reduce the number of Senators. For the first time I thought I was playing the way that we are constantly being told that we should be playing the game, collectively and in a business-like fashion. I thought that I was going along with the decisions of the Assembly in a democratic manner and I did so because I campaigned in 2001 against the mass proposal of the Policy and Resources Committee in P.179 to do away with Senators, Constables at a stroke and to implement the Clothier in its entirety by the Policy and Resources Committee, of which Senator Le Sueur and Senator Horsfall were members. [Aside] So I found it remarkable when struggling to come to terms with the lobbying that we have been receiving and the heavy editorial support for a return to do nothing, let us leave the Ministerial system as it is with the power of the people in the hands of an unelected Council of Ministers in the minds of the people and an unelected Chief Minister in the minds of the people. I went before Sir Phillip Bailhache on 26th February, who vacated the chair when it came to the debate on these issues, and the Chair was taken over by Miss Catherine Mary Newcombe, who was the Greffier of the States to chair these sorts of debates. At the time, I argued this is my proposition, it was a stand-alone proposition, it was nothing to do with any mix or amendment. I asked that no constitutional change to the role of the Bailiff as President of the States or to the position of Senators and Constables as Members of the States should not be implemented until and unless the proposed changes had been made the subject of a referendum for electors in the Island. I lost that, 27 votes to 19. I would have held in perpetuity with that proposal the notion that the constitution of this Assembly was in the hands of the public and not in the hands of politicians who have, in their minds, no mandate to change it. Of the people that voted against me on that proposition, and I read the names, Senator Horsfall, at the time I think it was Senator Norman, Senator Le Sueur, Deputy Routier, the Deputy of St. Martin, Deputy Farnham from St. Saviour, Deputy Le Hérissier and Deputy Fox. Democracy was a scarcely known word at that time. It seems to be the motto of the week at the moment. Although it would be preferable to put each of these questions to the electorate, and I have always said so, so that they could tell us what they wanted and not a panel that was brought in to implement local government reform... where even under the Local Government Act the people had the final say by way of a referendum. I have always said that we should have the opportunity to put the issue to a referendum. This proposition does not single-out the officers individually for a referendum but it goes one very large step forwards in the right direction of giving the people their say, which is contrary to what happened when I asked to preserve these roles in perpetuity and received no support from the people that are now calling for a referendum. So I do not think it is panning-out the way people want it. I do not think, with the greatest of respect, that I am getting a fair shake of the tail on this one. I think that your ruling this afternoon ... I find difficult to accept. I think it is unfortunate that I have had to say this publicly but I think it is important that when it comes to the constitution we should be able to question what is about to happen and how it will impact people, and express our views. We have already seen today that Members are going to be limited on what they can say. We know for certain the public has been limited on what they can say. They can say very little and we are going to extend that to even sell them opportunities to voice those things. Congratulations to Deputy Pitman and I say if the public want the Bailiff in the States Chamber, let us keep the Bailiff in the States Chamber. If the public want the Senators in the States Chamber, let us keep the Senators in the States Chamber, and if they want the Constables out or me out, let us let them have that say also.

The Deputy Bailiff:

Deputy, if I may say so, Members are not restricted in what they can say as long as they are speaking to the proposition, which is indeed what you have just done. The Connétable of St. Ouen.

3.3.2 The Connétable of St. Ouen:

I have no intention of going through the list of questions because they do, as Deputy Le Claire says, need to be asked. But I look at it from a more practical stance in that the proposition in (a) is to agree that the referendum in accordance with the Referendum (Jersey) Law 2002 should be held to

run in tandem with the 2011 election day. I will oppose that because I believe that the 2011 election day is already stepping into uncharted territory. Never before will we have handled possibly elections for 3 types of Member on one occasion. I am aware that we did have a number of problems with running the referendum proposed by Senator Perchard at the last occasion. I think before we vote in agreement with this particular proposition, there should have been consultation with the Jurats and the Connétables to see whether this was a practical way forward or not.

[14:30]

3.3.3 Deputy C.H. Egré of St. Peter:

Just to add some weight to the former speaker's comment. As the Assembly may recall, I chaired a working party that looked into the electoral system last year. The conclusions of that working party, having taken evidence from the Constables and the Autorisés, the Jurats, we were of the clear opinion it was inappropriate to hold a referendum on the same day as an election. I just want to emphasise that point; that was very clearly reported to this Assembly.

3.3.4 The Deputy of St. Martin:

I have always opposed the principles of the referendum after Clothier because I believed, mistakenly at the time, that we as States Members were capable of coming to a decision. I voted for the Ministerial set up, I wish I had not, however at the time I believed that we were going to go forward with the Clothier proposals, partly because they had been considered by a wide variety of people in the Island and I thought at the time that we could move forward. But as time has moved on it is quite clear that we are not capable of making our own minds up and if it means that we have to ... in fact in my case as well, if it means having to change horses to see if we can move forward and if we keep getting told it is what the public want, well it depends which part of the public you speak to because there are some of those who want Clothier and there is some of those who do not. Now, the only way we are going to make a decision, I feel, is by involving the public. That is what led me, in 2009, to bring forward an amendment to Deputy Tadier which was asking for a referendum on Constables. I brought forward an amendment to ask for a referendum on Senators and I thought that was the way of getting past the impasse we have. But, lo and behold, 6 Senators voted against it, 3 could not be bothered staying in the Chamber to vote and 3 voted for it, so that was kicked out. Then a year or so later P.P.C. came forward with their proposition to reduce the number of Senators and I was quite happy because Clothier was looking to reduce the number. So we have then had a decision taken, now we are going to go back on the one ... Senator Ferguson brought a proposition back asking to go back on that decision, then Senator Cohen who had not voted for the Senators' Referendum in 2009 brought another back: "Let us have a referendum" and so we are going backwards and forwards. I think what we have on the table here ... and my only concern is how the Council of Ministers can get 6 questions in one go and now we quite rightly hear from the Constable of St. Ouen saying: "Well, it is going to be quite difficult knowing on the day how we can run 3 types of election." So, all in all, we have got ourselves in another right mix of problems. But I do support the principle of what Deputy Pitman is bringing forward and I do not know how we can overcome the actual running of it. I think if there will be a problem today it will be really for Deputy Pitman trying to convince the House that it is right to do, and I give my support. But it is knowing how it can be run. Six parts of a question into one, it does not seem to go right with the referendum law, as I understand it. However, I do give my support to the principle of it; it is knowing how the detail can be run. But, that said, if we do go ahead today and vote in support of Deputy Pitman's proposition, it may well place us in difficulty if we are going to consider P.15 and that was the electoral commission. So, again, it looks as though we have got ourselves in a right tizzy again. But as I stand at the moment I am quite happy support the principle of what Deputy Shona Pitman is proposing but I think it may well be the detail that will be the problem.

3.3.5 Senator J.L. Perchard:

Briefly, I too support the principle of referendum on reform of the States of Jersey. I think it is wrong of this House to reform itself. I think we can agree a principle and ask the people of Jersey through the mechanisms available to us of referenda. The problem with this proposal is I might agree with 5 of the 6 points, every Member in this room may agree with 5 of the 6 points; put them altogether none of us will agree and we will all be bound to vote no. With the greatest respect to the proposer, this is a nonsense and should be treated as such.

3.3.6 Deputy J. M. Maçon:

On that point I agree with Senator Perchard. I do think that on just the basis of collecting valid data and having a proper process and methodology of having something which is valid and which can be communicated to this Assembly, I think Deputy Pitman ... to sense the feeling of this House in that I do not think the politicians are saying: "No, we should not put these questions to the electorate" but we should not put them all as one package and that if we want something that then would lead to us reforming this House we need to be able to have valid data and valid information. I think the way that it is formed at the moment, again, would not provide us with, as Senator Perchard has said, valid information for us to make a clear decision on which way to go. For example, if someone were to say: "I think the Bailiff should stay in the States but I do think that the number of States Members should be reduced" which way should they vote on this question? Now, some may say: "But this is a package of reform and people should realise it is a package and it stands all as one." One issue is, I believe, when referring to the Jersey and Guernsey models of Ministerial reform it is sometimes said that Jersey got the jacket whereas Guernsey got the trousers, in that Jersey got the governmental reform and Guernsey got the electoral reform. Indeed this part is the second part of a whole and I can understand why Deputy Pitman is of the opinion that it should be seen as that. But, again, I think for the reasons of basic methodology and to produce valid data, the way it is formed and the process that would be put forward, I do not think would be a sensible way to go forward unfortunately, but I am not against putting these questions to the electorate, it is just how we do it.

3.3.7 Deputy T.M. Pitman:

I was not going to speak, perhaps for obvious reasons, but I listened to Senator Perchard and I really feel like we should all give up. I really thank him for convincing me which way to vote when we get to P.26 because, my word, if this is a nonsense ... it is a package. What is the difficulty with a package? There is none. We are hearing it again and again and Deputy Le Claire highlighting those figures, I am really pleased he did it because, you know, I mean democracy apparently did not exist some years ago. But it seems that over the last months we have got an awful lot of people who are shouting about democracy in this House and that is why even if I did not support Clothier, which I do ... because it is not perfect and I think the proposer has made that quite clear. We know it is not perfect and we are never going to get a perfect set of proposals. Perhaps for some people we want to keep looking, they would suggest, because they know we will never get there and so we will never do anything. We are going to see this later with P.26 because the Chairman of P.P.C. will probably say ... we have got so close for the first time in 10, 20 years - however many it is - to achieving something and because the few people do not like one aspect, back we are going to go. Not 2 steps, I would suggest, but maybe 10 steps. The proposer talked about is it too difficult for the public and I have to say I agree with her. We treat people with contempt. Are we any better than those people out there? Can people out there really not understand? Really it does not matter if they do not like one of those 6 points because then they do not vote for it, that is the whole point, it is a package. Sorry, someone was talking behind me and it has completely thrown me now. If I can use one of things the proposer often says, I hope I get this the right way around: "There are a lot of people who talk the walk but do not walk the talk." I am afraid it is true with democracy, the excuses are quite ridiculous. Why is it that we hear about taking the public's view on board? Now, we are going to hear later about democracy and a decision being undemocratic when we have voted on it twice, we rejected a move to get rid of that,

we rejected a referendum and now we are going to waste more States time going back on that. It has been driven by a very small number of people. Clothier may be absolute rubbish, but if that is true - and Senator Ferguson is nodding her head - that is okay. Why are they so afraid then to ask the public, because the public can say yes or no and then despite the 10 years that we have seen letters in the paper, the radio phone-in, people going on about it, people bringing it up in the House, it can be put to bed? What is the problem with asking the public? It seems that some people in this House are very, very willing to ask about little bits of democracy that interest them yet whatever I think of Clothier, that is a package. You can like it, you cannot like it. You can choose, you can say yes or no. To me that is a win/win because if the public reject it, good, it has gone, we can get on - as I think someone said earlier - with our Clothier 2011 or whatever it will be called. But what if they want it? I think that is what a lot of the so-called democrats in here are afraid of, and that is why Clothier has been discussed, kicked around for 10 years. How did we get into this mess? One thing I do agree with the Deputy of Grouville, the huge problems are within the way this government has been sent up. We were happy to cherry-pick, and why was that done? I was not in the House then. Why was that done? Because those bits were going to benefit certain people, that is why it was done. Or perhaps it was done because some people are not committed to democracy as they would have us believe. I am happy to support this because I am happy to let the public say what they want. If it came back a huge, huge rejection then, fine. Then I think the proposer has done us a favour, we can all stop thinking about Clothier. I say it will be very, very interesting, we took ... how long was it, was it 2 hours talking about whether we should limit speeches and, with due respect, this is a big issue that has been around for donkey's years as Deputy Le Claire said. I would not mind betting, now we have got our new gambling laws agreed, that some people will not even speak. For a House of 53 of us who are meant to be politicians, I think that is appalling. Everyone can have their views, people can stand up and say Clothier is absolute rubbish but that is not really the issue. It is about asking the public and I am happy to ask the public, to let them say yes or no and I will be happy with either answer. I would prefer it was a yes but if it is not I am a democrat, a real democrat, so I am happy if they say no. But these silly excuses that it is too complicated for the public just make my blood boil and it is something, before we get length of speech limits, I think I could rant on for a good couple of hours. Please let us, for once, be genuine about seeing what the public think, let us ask them and then we can move on and maybe we do need to have Clothier 2, 3, 4, 5, 6 or whatever it is going to be called. Again, I would bet that none of them are going to be perfect so none of them are going to be to the liking of certain groups of this House. So long as we have that outlook we will never be anywhere other than bringing things back to try and overturn them because of little vested interest. Small groups who have very powerful voices and that is all I will say. Thank you.

3.3.8 Senator S.C. Ferguson:

I think first a referendum should be simple. A simple question like should Britain leave the E.U. (European Union)? Simple, easy to understand. We have here a proposal for a 6-parter which I think is not quite so simple. There are so many permutations of this that it will be very difficult. Deputy Pitman questioned the motives for not implementing ... I am sorry, he is disappearing. Deputy Pitman questioned the motives for not implementing Clothier in a full way back when. I do not know if he went to any of the Parish Hall meetings but they were very lively and the mood of the various Parishes was very strong, and in the end, with respect, the Policy and Resources Committee retreated and said: "Ah well." So this was why Clothier was not implemented, there was so much strength of feeling.

[14:45]

I have heard it said by one or 2 people who were on Clothier, they have said: "Well, yes, but you know it was 10 years ago" and we should perhaps revisit it before we try to implement a 10 year-old recommendation. After all you would not make a car out of parts that were manufactured 10 years ago, you would want the modern parts, unless of course it was a vintage car but then, of

course, that is another story. But this is all a bit muddled and I think maybe there is a case for revisiting Clothier which is what an Electoral Commission can do. But I think to try and implement something that was thought of 10 years ago is perhaps rather foolish.

3.3.9 The Deputy of St. John:

I heard the Deputy of St. Martin say: "I accept the principle", we are where we are because this House accepted Clothier in principle. I can recall standing where Deputy Power was - I believe I was sitting there then - when Clothier was debated in the Chamber asking Senator Pierre Horsfall, who was leading the charge to bring Clothier forward, to take Clothier away and put the meat on the bones so we could have everything in its entirety. It is all well and good for former Senator Horsfall to stand on a soapbox out on the street now claiming that our government is not working as it should. He was the person who put us where we are, and I hope he is listening to this because he and others who are making a lot of noise by writing to the media regularly, if he had done the job he was asked to do, put the meat on the bones, then we would not be where we are today. We are now picking up the shortfall, for want of a better word, and Deputy Pitman is trying to do something about it, as we will be over the next few days with other reforms that are being asked of us to debate. In fact since we came back in January I think we have only dealt with about 3 bits of legislation to deal with Island issues, the remainder has to all be navel-gazing of issues to do with reform. If that former Senator had done the job he was asked to do, instead of retiring early, we would not be in the position we are today. I think on that bit I have said sufficient. As far as the referendum, yes, I am a supporter of referendums. I always have been on issues to do with government reform. We should have asked the public 10 years ago what they wanted. We did not. Yes, we went out in Parish Halls and took soundings, *et cetera*, but we did not put a referendum out to the public. This one I am not sure how I am going to vote yet, I will listen to the remainder of the speeches and I will decide at the end of the debate which way I am going. But, as I have already said, I am a supporter of referendums. Please do not anybody else mention something in principle because that has fallen by the wayside. We have to have meat on the bones of anything we do in government because in principle we will finish up where we are yet again, 10 years down the road. I have said sufficient. Thank you.

3.3.10 Connétable J. Gallichan of St. Mary:

I would just like to make a couple of points. Firstly, something on the referendum being held on the election day. The problems are already raised by the Constable of St. Ouen and the Deputy of St. Peter but also, of course, the Referendum Law and the Public Elections Law are 2 fundamentally different laws. Although the Referendum Law embodies, I believe, the possibility of running a referendum on the basis of the Public Elections Law it is a very different law. I know in the past that has caused problems to the way that the referendum would be administered on election day. That is just in passing. I have a problem with this. I would find it very difficult to vote yes if this referendum question was given to me on election day, simply because of things that have happened. I know, for example, that a lot more work has been done on the first bullet point. We have had the Carswell Review. That has given a lot more in-depth consideration to the role of the Bailiff. It has given me a better understanding of the little ripples that would follow out from the Bailiff not being the President of the States, and I do not say that is a reason that should not go ahead, that should not happen but what I do say is that knowing what I know now, I know that I am not yet ready to make a yes/no decision to that particular answer. Generally speaking, since the Clothier review was undertaken, there have been a lot of changes, many things have changed. I believe that many of the findings that came out of that review have had an effect, have been acted upon either explicitly or implicitly. For example, a lot has happened with the position of the Connétables, we are all now on one single election day. There are other things that have happened but things have fundamentally changed since that review was undertaken and I think that if the review started now - not that I want it to - if was starting from today's standpoint it would possibly have different findings and different conclusions. But what we have here is a simple set of

questions. The difficulty I have, the real difficulty I have, is if the answer was no because I did not like one of the questions, how would the people who interpreted this result know which part I was not happy with and ... for example, as has been pointed out to me, the fourth bullet point has all Members of the States enjoy the same title, do not have a problem, and the uniform 4-year term. If the whole package was thrown out, a reform that we have already agreed, in other words going to a 4-year term, would have a negative response from the referendum, so where would we stand? What we have to seek when we go to the public, either in a referendum or a poll or anything else, is clarity so that we know how to interpret the information that we get back. The real difficulty I have is that having been in the States now for 5½ years, having read literally shopping bags full of reports on reform, I do not believe any reform, any wholesale reform will ever be possible without some degree of compromise probably by each and every one of us. I do not believe there is a single model that will give everybody what they are looking for. The difficulty is, with a multi-part question like this, that different people have a different threshold for where they want to compromise. Something that is an absolute sticking point for one particular person will be something another person can easily accept, and we will not ever get the answer of what the problem is from something like this. Just as we do not get the answer and the way forward from any kind of opinion poll, any kind of sampling we do will not ever give us that clear and black and white answer because many people will say: "I would like this provided I get that with it." It is very difficult to know how to proceed. I think we have to be very careful what we do, even if we were to go to the public, as one person has been suggesting, perhaps when it comes back - when the Referendum Act that we would need to have comes back to the Assembly - it would be structured differently so the 6 questions have 6 answers. Even if you have the answers, you still do not necessarily know what to do. We have had 71 per cent in the last MORI poll wanted a general election. Far and away the biggest single thing and yet to achieve that we have to perhaps compromise on something else. I just think that to believe that someone outside will come up with a magic solution is naive but going to the people will not necessarily give you the crystal clear path that you want. A referendum is a useful tool but, as other Members have said, it has to be a simple question with a straightforward answer and a clear path afterwards. I do not believe that the proposition as it is worded here can be supported because of the doubts and the continuing problems that it raises, however I would like to emphasise something the Constable of St. Ouen said, I have no problem at all with asking all of these question, it is just a question of how you ask them and what you do with the answers.

3.3.11 Senator T.A. Le Sueur:

Yes, as Deputy Le Claire says, I was one of the Policy and Resources Committee back in those days when Clothier was being presented and being taken around the Parishes and I recall the objective at the time to try to present it as a package and finding the result from those Parish meetings was one of a variety of differing views. There, I think, is the difficulty we find ourselves in in this particular situation. However desirable a referendum might be, the way this question is phrased and the need to answer 6 questions with one answer increases the likelihood that the answer will have to be no, because it is rather like pulling a lever on a fruit machine and expecting to get all 6 oranges lining up in a row. If we cannot get those 6 oranges lined up in a row we do not succeed, and if we do not get all these 6 lined up in a row, it does not succeed. I suspect from past experience that trying to get agreement of sufficient people on all 6 may well be difficult, if not impossible. I accept that one could take a referendum and take 6 answers to 6 questions and that would give much greater clarity. I also suspect that what would happen is that you would get something like 3 "yeses" and "nos". So if one is looking for a package, that certainly does not deliver the objective in part (a) of the proposition. I spoke a few moments ago about the discussions back in the days of the Policy and Resources Committee and I do deplore criticisms of former Members of this States who were not here to defend themselves in this House. Again, it is, what I believe, an unfair accusation. It is not a former President of P. and R. (Policy and Resources) who failed to achieve what was required. It was the States, after 4 days of debate,

decided which way to go. Some of those who are criticised were in the States at that time and if they wanted Clothier as a whole they could have brought a proposition to that effect. But we are - I am loathe to say - where we are **[Laughter]** and we did not. Now, in terms of a referendum I am less of a fan of a referendum than some people but there is one thing I think we can all agree on, that there are 2 absolute criteria for any referendum and that is clarity and simplicity. What we have here, sadly, is something where to find the answer is not going to be simple and even having given an answer, yes or no, it is not clear necessarily if it is no, what the no refers to. For example, we have been talking about reform of the States, if we have a no, as the President of P.P.C. says, does that mean we do not have a 4-year term? If we have no, does that mean there is no point in discussing the role of the Bailiff or the role of Senators? I think a referendum in this form will do us a disservice because if we have a “no” result it could inhibit any change whatsoever, desirable or undesirable. So, for all those reasons I am afraid that I cannot accept this proposition as it is currently worded.

3.3.12 Deputy J.A. Martin:

As someone who was in the States at the time of Clothier, I would just point out the date we agreed the terms of reference was 2nd March 1999, so we just missed it by a day and it would have been 12 years exactly, and we have not moved on an inch. The Chief Minister has just said, what would it mean if the public said no? I think the public would be totally confused because we have both times said yes to getting rid of 4 Senators, but, no, that does not mean a thing. We keep coming back.

[15:00]

Just for a history lesson, I totally agree with the Deputy of St. John, there was some very, very funny bedfellows around those Parish Halls and one was the ex-Senator Syvret who, hand in hand, with every Constable asked the question at the end of the night: “Do you want to keep your Constable in the States and the Island-wide mandate?” He could not have done it without keeping the Constables. I had people come up to me at the end of the Parish Halls and say: “You cannot vote against them in the Parish Halls, can you?” Because, as it says in Clothier, they are very nice chaps, are they not, and people do not like standing against them. This is what it says. I feel pleased that Deputy Pitman has brought this today. We have started with the Constable of St. Ouen, why did someone not say: “Maybe that date you have picked is not ideal” because I still do have concerns about the 3 different people on the same day election, but that is another story. But we have had that, then we have also had ... well, what does “no” mean? If we get the majority back saying: “No, we do not want to remove the Bailiff”? To me that means: “No, we do not want to remove the Bailiff.” I do not think the public are that silly. It does say: “We cannot do it as a package.” Read it carefully. It is down to the Chief Minister to bring this back, you bring the 6 back, you put yes or no against each question. It will be done then as a package. It is quite simple but, no, as we discovered this morning, for a Back-Bencher to put together a proposition, to research it, to go into the history they have themselves and Uncle Tom Copley, wherever he may be. But for any Minister to do their comments against it, they have their whole Civil Service behind them. Somebody said in one debate - quite disparagingly - that Sir Cecil Clothier was only a civil servant. I do not know who he was but he has made a law for civil servants in Jersey because instead of having 53 masters they have now got 10 and they love it, a lot of them absolutely love it, they can run around some of their Ministers like they do not know what, but they could not do it with committees and exactly the same as what Deputy Le Claire said this morning: “Power corrupts, but absolute power and all that”, and people cannot see. I can see people who have changed in this House, who 3 or 4 years ago would have voted a different way, and they say it is not because they are in this ... I am an Assistant Minister and I think sometimes I am kept there as: “Well we are inclusive; we have Judy” ... sorry: “We have Deputy Martin.” Sorry, Sir. But, you know, I get to feel like that sometimes, but we are not, we have some fantastic talent that is not used. The Clothier... I totally agree with Deputy Maçon, Guernsey got the best bit, I mean they

have got the electoral reform and they have kept smaller committees, and, yes, all right, they got rid of the Island-wide mandate; but, no, I mean, if the public want it, the question has to be asked. I mean this is ... I mean it really must be out there, we are going to have I do not know how many, but I am speaking and I do not ... I make no apologies and I am going to speak on the next one and I am going to speak on the next one, but basically it is ... Electoral Commission is exactly what Clothier said, to realign the boundaries. The P.P.C. chairman has just said she could not ... now she knows more about what Mr. Carswell had to say about the Bailiff, the ripples out, you know: "Well if it was the Deputy of St. Mary who was sitting in the Chair, St. Mary would not have a representative." Well, when it was redistributed in a proper commission, yes, people would have representatives. So the ripples ... the ripples that go out are exactly where we are now, we should not have been where we are now. I read Clothier, funnily enough, I took it on holiday with me to the Canary Islands and thought: "Oh my God, this is really ..." and now you read it again, you read it like 3 or 4 years later, and it makes so much sense. They find no evidence, they find they say Senators: they have no extra standing in the States, no extra standing. The electorate: the belief of many of our witnesses is that electoral apathy sprung from the lack of confidence that voters could bring about any important change, any important change, because they had to vote for different people on different days, and it says in here: "While they were doing the Clothier Report 4 Constables were just re-elected unopposed and one new Constable came in unopposed." As I say, that is exactly what it says, under the Parishes it says in Clothier: "It would be very unusual and indeed unpopular, to stand against him or her." This is the Constable: "In most Parishes candidates in the office usually emerge via an invisible process [invisible process, are we talking about democracy here] from the senior ranks of the Honorary Police or posts in the Parish from one of which the Constable will always have been chosen." So this is ... we know the last Constable, my Constable, the Constable of St. Saviour was unopposed, the previous Constable, there was 3 people who stood. Just because I am told that we are going to have the Constables elected all on one day, suddenly somebody is going to stand against them? It is not done in Jersey and it is not seen to be done, so why should I have any faith in that. It says the electorate also do not have any faith in where they post their vote, and, I mean, I have heard some ... no, I think I will leave that for the ... which debate is it now, I cannot remember whether it is the Electoral Commission or the "Let us go to the Privy Council and tell them we have all gone nuts" debate, I cannot remember which one, but I will leave it. **[Laughter]**

The Deputy Bailiff:

If I may say so, Deputy, I do not think the expression "gone nuts" is a Parliamentary ... **[Laughter]**

Deputy J.A. Martin:

Sorry, must just be me jet-lagged or something, and I have only flown from London. I am sorry, I take that back. Maybe could we say lost our marbles and searching very hard for them. Anyway, I do ... I mean we are going to go back. I do laugh that we can make a decision and not quite understand what it means in December; we can make the same decision in January - we made the same decision a few weeks ago, but the public cannot make a decision. We are going to have another debate... well, whether it will be today or whenever, I do not know, or even the Electoral Commission, but I do think that the public are just, as the Deputy of St. John said, fed up. We are doing bits and bits and bits, we have got so far and, along with that, I will vote for this and hopefully that they will bring it back with a question, I have asked the proposer, she does not mind if there is a yes or no tick-box under each question, and then we will know where the public stand. I do have a problem with maybe the date, I mean that could be sorted out, because it will be I think just too much for people to have 4 votes... well in some Parishes that is, but so I will leave it there. I do not think it is impossible. As I say, I do ... I get annoyed when it is: "I would vote for this but..." But nobody had the decency to approach the proposer before and put the practicalities to her or amend it, not even amend it, I mean, so, you know, we have got what is here, and it has been lodged for quite a while, so I commend the proposer, I will support her, and hopefully the ... I

know, and I absolutely believe the public know when they say yes, they mean yes and not no, and when they say no they mean no and not yes. Thank you.

3.3.13 The Deputy of St. Mary:

I just have to start by reminding Members of what the previous speaker said in the course of her speech, and I hope the media pick up on this as a quote of the day: “We should not have been where we are now,” which I think just about sums up this whole sorry saga: “We should not have been where we are now.” Just before I say what I was going to say - a bit of a red herring, because other people have mentioned it now, a couple of times - about the difficulty of a referendum being held on the same day as an election for 3 classes of Member on the same day. That implies that there is going to be 3 ballot boxes with 3 different colours of ballot paper, and if there is a referendum there will be 4 boxes with 4 different colours of paper. I cannot see that is a serious objection to this. So that is just a minor point really. I wanted to start by saying ... I was going to say: “Where are the speakers in this debate?” Well we have had a few, but we have had, as it were, the usuals, you know, we have had the Deputy of St. Martin, we have had the Deputy of St. John, we have had the people who tend to speak, but I would like ... because I come to this not knowing which way I am going to vote in the end of the matter, and I would like to hear views that are going to influence the way I think. I have been influenced as I go through this debate and I am finding it really quite difficult. The key issue seems to me is that we need to go to the public with a package, I think we all agree with that, but the question ... the issue is that this is a short cut in a sense, it is: “Okay, here is a package, it comes from Clothier admittedly, we will go to the electorate with that,” and if we do, and if they accept, which is 2 maybes, then we have indeed short-circuited the Electoral Commission, we have saved ourselves a little bit of money, quite a bit, £200,000, and so we have, as I say, short-circuited that. But the problem is, is it likely to go that way, are they likely to accept it, and has there been sufficient discussion? So I think it is in that area that we need to look. Yes, I think there are one or 2 things that the proposer says in her report, which are spot-on and need emphasising, and one is: “It is the right time we finally took this issue of reform out of the hands of those with a vested interest, whatever their political views, and put it in the hands of the electorate.” Amen to that. We do have to stop this game in here and get it to the electorate, so again I am sure we all agree with that and her comment about the endless debates. I want to look at the 6 bullet points in her proposition and just make comment on 5 of them. The Bailiff, the role of the Bailiff, and there I must say we have had a major report from Lord Carswell and his Islanders on the panel, and I do second the remarks of my Constable that perhaps we should have a bit of time to digest that, it is a major piece of work, it is quite clear what he recommends and why. It is a very solid piece of work, the judgment that is in appendix 2, it is pretty solid and robust in my view, but how publicly known is that? What is the awareness level of those issues out there, and can that be covered in a campaigning format before referendum? So I just ask that question, because it will be a campaigning format, if we say yes to this, and there is a referendum in November, then it will be yes or no to this package, so that will be the format. The Senators, now that is what I wish to address most of my remarks about is the ... it is the key area: “The office of Senator should be abolished”, and what the proposer says in her report is very interesting on the Senators. She says that the statistics about what the public want are now years out of date, well that is as may be, we can agree or disagree, but she then says: “The fact is the majority of those who have become a Senator during this period of Ministerial government do not, as a direct result, hold a Ministerial position, only 5 out of 12.” That for me is a very key issue and I think it is a key issue out there, and it is about the relationship between your vote and who ends up as a government, who ends up as the Ministers who have the power. **[Approbation]** So she is saying that, in practice, there is no extra standing. She is not saying there should not be extra standing or that the public do not want there to be extra standing or that that is why they want the Island-wide mandate, she is saying in practice, the way we do it in here, the Senators do not end up as Ministers, 5 of them do, and the other 7 do not. So the public thought that the Island-wide mandate was something special, and we have said: “No, it is not, we just take whoever we want by the processes that happen inside

this House”, and I think that is a problem, and that problem is not addressed by this referendum, because in the referendum, if people were to say yes, we would have one class of Member with the constituencies redrawn and the public would then say: “Okay, so they are all equal, so how do we end up with Ministers?” It is just not in there, it has not been discussed, it has not been worked through, in this referendum it has not been worked through, and so I have a question about that, because I do not think it addresses one of the 2 fundamental issues about where we are going with voting reform; one is proportionality, a fair election, so everyone has an equal say, and the other is this matter of changing the government, influencing who is the government.

[15:15]

One type of States Member next. One type of States Member with a 4-year term. The problem with this in relation to whether we should proceed with a referendum on this package is that it is not a popular solution, or, as people would say, it was not when the MORI poll was done in 2006. If people look at the chart on the back of my proposition, P.15, which is probably on people’s desks, that chart shows that 7 per cent of the people polled by MORI in 2006 wanted Parish or district representation only, 7 per cent, and 11 per cent wanted a setup where there was local representation and where ... now I have forgotten what it says, has someone got a P.15 handy? Yes, 7 per cent, all Members elected on a local basis; and 11 per cent, all Members should be elected on a Parish or ... sorry, the 7 per cent is multi-Member constituencies, and the 11 per cent is Parish or local elections. So 18 per cent is the indicative figure; that is the last time we did a serious scientific study on this, 18 per cent would then have voted for this referendum on that bullet point, and I am wondering whether it is right to go to the public with a solution that has that level of support. Now I know you could say that people are changing and evolving in their views, and maybe it would change in the course of a campaign lasting a few months, but I just pose the question. Then the next bullet is cutting the numbers. Cutting the numbers; it is so superficially attractive: “Let us cut the numbers, let us cut the speeches, let us just have a Chief Minister, let us not have any discussion at all about anything.” Then it would depend on who you had as Chief Minister. My goodness, yes, the joys of democracy and the dangers of dictatorship. So cut the numbers, I am surprised that sometimes the keenest people on this “cut the numbers” are the people who would call themselves the democrats in this Assembly, and I would just point out to people that 53 Members are covering every aspect of a national jurisdiction except defence and foreign policy ... well we have foreign policy now, so except defence. The only thing we do not have is helicopters and gunships, we have a militia. But seriously, 53 people have to cover all legislation, all policy, for a jurisdiction, we make it all up ourselves, we do borrow bits and pieces and we, like the betting and borrowing, we take ideas from elsewhere of course, but the fact is we run our own show with 53 Members and, as Deputy Southern said this morning, we are lucky if we look at 10 per cent of what goes through this House seriously, and we showed with the Gambling Commission what can happen when 3 Members pile into something for a week virtually night and day. But we cannot do that with everything. Then to say: “Oh well, we will just cut it down to 42 or 44”, is that realistic, have we thought that through, do we know that that would deliver? I see people nodding and saying: “Oh yes, we can do it with less people.” Well maybe if the people who are not elected are the people who do not do anything then it might be all right, but then of course it depends, does it not? So we, the Back-Benchers, who do the Scrutiny, have very little ... as Back-Benchers we have no research and no admin. Now if that was corrected, which is in Clothier, that is part of the package, a library, assistance, so we can do our jobs, then maybe we could do it with less Members, and we would have shorter speeches too, because we would have people to help make them shorter. Finally, just putting the question about cutting the numbers, again without a proper discussion of that with the public, and then finally the Electoral Commission, which is absolutely clear that we need to redraw the boundaries. P.P.C. in their P.72 said it was unsustainable the present situation and of course that is a no-brainer. So, with those comments, I am just looking to be persuaded really; I am leaning now, having spoken, on the sceptical side, but I have heard what people are saying that maybe this is just a way of getting on with it, and it is a coherent package, there is no doubt about it, this is a package,

I just have a question about whether it is not better to have a process of sorting out all these issues and coming to something that we know is going to command acceptance before we take it to the public. So I look forward to others' comments on that.

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

As a member of P.P.C. I think I have only had the pleasure of P.P.C. for just over 2 years, but there are some that have been on since Clothier in one form or other, although they are scattered around the States in various other guises in the meantime. I look at this proposition here, it is a wonderful proposition; it only has one failing, it needs a united opinion to run all the way through (b) down to the words yes and no at the bottom - you have to agree the whole lot before you can put yes or no, or at least that is what is proposed to put in a referendum. The problem with that is that it has already been suggested on the floor of the House this afternoon that in fact we break it down so that each one can be a yes or no, which then defeats the object of Clothier of course, which is what the purpose of this proposition. Then, if you put that out as a referendum to the public, you end up with this scenario that everybody has different opinions as to whether they want Island-wide votes and Constables and ... *et cetera*, all the way down the line, and then you have this having to tot up to see what the percentages are and at the end of the day, just like 11 years ago - or nearly 12 years ago - when the various aspects of Clothier and public discussions came forward, we are exactly where we were. So may I suggest we go back to the committee system because it was inclusive. It was inclusive in that we did not have a divide, everybody was a part of a committee. You had the Scrutiny and you had the Executive all in one committee, decisions were made after agreement in discussions, then the only thing that ... from what I recall of the practical terms, it was so frustrating getting between one committee and another; that is all we have got to resolve. I am sorry to say that this one, with the best of intentions, is not practical and therefore I cannot support it. Thank you.

3.3.15 Deputy M. Tadier:

The wording could have been different of course, we could have gone through a referendum to ask the public to agree that a knees-up should be organised in a local brewery and to ask for their opinion on that, because clearly we are not capable of organising that knees-up ourselves, or we are not capable of deciding on what kind of knees-up we should be having, and in which brewery. The public I am sure would like to contribute their thoughts to that. Clearly that is a metaphor for what we are looking at here. I initially had some reservations about this and I think Deputy Fox has touched on them; that we cannot vote individually on these; that members of the public will not be able to vote individually, but I think that is done deliberately because this is the public's chance, not our chance, because we get a chance to speak quite substantially, and we also get a chance to vote directly, both for Ministers for the Chief Minister and on individual votes; that is something that the public do not get to do directly. We have that privilege. But essentially we have commissioned reports in the past, this is the first one that was commissioned, if you like, on this subject, to look at the whole apparatus of government and constitutional reform, and then it was cherry-picked, as we know, and that is why we have this beast, which is, as the Chief Minister put it yesterday, neither fish nor fowl, although he was not talking about this proposition. So I think it is quite right that the public, whose money it was that was spent on the Clothier Report, which, whether you like it or not, it was done by a credible individual, it was done using both locals and brought-in expertise from the U.K., and they came to a consensus and it was sensitive to local issues, it was not simply bringing in a bulldozer saying: "Let us completely knock down the institutions that have grown up in the Islands." It was done in a very sensitive way and it came up with recommendations, which were equally sensible in my opinion, and sensitive. The public have not had a chance to endorse this; they hear time and time again of this famous Clothier Report, which was commissioned. Some Members say: "But that was a long time ago; it is redundant now, it is already 10 years ago." Well of course it was 10 years ago because we have not done anything about it holistically in those 10 years. If we wait another 5 years, another 10 years, then it will be 15 or 20 years. Nothing has

changed really and in the meantime curiously we have commissioned another review, the Carswell review, which has come back, on a narrower remit it has to be said, but it has come back with largely the same findings to do with the role of the Chair, and again I just question how many of these reviews do we have to have, and it would be fine if we said: "We are going to reject the findings of this review", if we did something as an Assembly ourselves, and normally the way referendums work is that you put a referendum on something that the Government wants to do, so the Government would say: "This is a direction we want to take", it is a controversial issue, it is usually to do with constitutions; that is why the U.K. had one to do with the E.U., and that is why I think Sweden had one to do with the euro if I recall, but those are the nature of the types of things you get, and it is quite right that this kind of issue should go to a referendum, and I cannot help feeling that there is a certain amount of arrogance, for want of a less contentious word, among members who say: "No, the public should not be asked" and then proceed to find all sorts of reasons, which I think are not necessarily genuine, to say: "But the public might want this." Of course, the public might decide that there is one particular bit they feel very strongly on, and they may vote no in a referendum on that basis, or they might take a more holistic view, as we have to do when there are certain parts of policy that we do not agree with but we say: "In the round this is a good piece of legislation or a good proposition and I am going to adopt it", and I think that we have to give the public a chance to do that. The other argument that was suggested, or another argument, was to do with the fact that the public are going to have trouble coping with multiple questions. It is not hard, it is a lot easier than G.C.S.E. (General Certificate of Secondary Education) exams, which we are told ... well I am not sure where we stand with those at the moment, but **[Laughter]** I think what has to be said is that they are not G.C.S.E. exams; our students do quite well at the age of 16 and they can also vote at the age of 16; it is not difficult to decide who you want for your Constable, if you are lucky enough to get a choice, who you want for your Deputy, if you are lucky enough to get a choice, and who you want for your Senator, and you will always have a choice for Senator because it is a multi-seat constituency, and add to that: "Would you like to agree with this referendum?" It is just simply another piece of paper to tick. To suggest that the members of the public are going to find one more box difficult is completely disingenuous and it is also disrespectful to the public; those who go out to vote anyway, who are in a minority. When I was a student at the union I remember having to tick lots of different ballot papers because we were selecting different union officials to do with different clubs, the head of the international students, the head of the sports, *et cetera*, and I think there were about 10 ballot papers, and you get on with it. As long as you can read, and most university students in those days could just about read, so that was a good thing, and I think this is an argument that needs to be knocked on the head. The Deputy of St. Mary's argument to do with figures; he is quite right in one sense, there is no consensus about the way forward, and this is I think why we need to consult. There is no consensus among States Members, there may not be among the public. We are told that the most popular option for constituencies was an Island-wide basis, so all Members should be elected on an Island-wide basis. Clearly this has practical limitations, but even then, even though it is the most popular, only 46 per cent of the respondents said that was their preference, so that means that 54 per cent did not agree with that. If we look at the *status quo*, which is some Members should continue to be elected for the whole Island; others on a Parish or district basis, which is what we have now, that only has a 32 per cent approval rate, so that means that 68 per cent of the people who responded to the MORI poll think that the system we have now is not their preference. So we know that, already, if we are to take the MORI poll as a guide, and it can only be taken as a guide, that 68 per cent of those asked do not think that our system is the right system. So they need to have a voice and I think it is perfectly an apt time, I think there is enough time for it, we have a run-up to an election, all the arguments can be voiced by the candidates themselves, these will become election issues, and it is quite right that they do become election issues because we have to stop the navel-gazing in here, I mean I know it is necessary because change should come from us, we should be capable of having a mechanism for change, but we have proven to ourselves and the public time and time again we cannot do that, so it is quite right at this election,

on the back of these 2 reviews, which have used taxpayers' money once, one was 10 years ago, one was very recently, just last year, that we should be giving the public a chance directly to say what they feel, and it may get rejected, but that is fine. If it gets rejected then we can put Clothier to bed and we can move on. But if there is support for it, we can also just, I hope, adopt that. So this really is not rocket science, it is all about getting back to basic democratic roots, and I am sure that, if this was in Switzerland, they would have no problem on voting for this because they are big believers in referendums and we know their counting system has certain advantages, which I think we can learn from.

[15:30]

3.3.16 Deputy R.G. Le Hérissier:

I was going to propose an additional question: "If you agree to agree to all of the above, would you accept the States will not have another debate on electoral reform for the next 20 years." **[Approbation]** I think the relief and the joy among the population would indeed be something to behold, because clearly I think they are slowly, as with the rest of us, going mad. I have no problem. The problem is the timing. I am like Deputy Hill, who unfortunately is not with us at the moment, I did vote against the referendum, as Deputy Le Claire reminded me a few days ago, because I did think there was the political impetus. I thought there was the political legitimacy to support it, but as the decade rolled on clearly that was not the case. Yes, there were some very unholy alliances, as Deputy Martin said, particularly the strange road show with Senator Syvret on one side and Senator Horsfall on the other, and Senator Syvret supporting the role of the Constables in full-blooded support, and I think Senator Horsfall has been unfairly criticised. Yes, he has become a late convert to multi-Member constituencies, according to letters in the paper recently, but he has been unfairly criticised because the idea that, had he put the flesh on the bones it would have gone through, is I am afraid naïve. The vested interests did rise up, they ensured that it was going to be pockmarked to a high degree, the whole proposal, once Ministerial had got through, that the electoral reforms would be pockmarked and of course they were, and they would grind to a halt. Unfortunately, it is a bit late, I wish we had realised a lot earlier that this was really, really hitting the sand and was sadly not getting anywhere, and that is why P.P.C., as a result, have had to come up with incremental reforms and that the one thing that matters, the cohesion of the Clothier Report has been lost, it has simply been lost, and that is why I think it is a good idea to revisit it. But I am afraid, with some issues in politics, there comes a time in the affairs of men and women, which, taken at the tide... and sadly the tide has come in and out several times since then. But I think almost, and it does not sound terribly impressive, as a protest vote, and because the States itself is unable to come up with a coherent/cohesive approach to electoral reform, this is the only way, if a clear steer were to be given to it, this is the only way... because we have to understand that, if a convincing result did not come from the referendum - and we have to be cognisant that there will be contradictory answers possibly if we go to separate votes on each, we have to be cognisant of that - unless we offer the electorate the enticement of no further electoral reform debates, in which case their judgment might be affected. We have to be cognisant that, unless a very clear majority comes to the Assembly, like all else it could be amended to death, but certainly a symbolic move I will vote for it, but sadly I feel the time has passed, we failed to see perhaps very early on the way that things were not working out and the fact that there should have been a referendum proposed much earlier on.

3.3.17 The Connétable of St. Saviour:

I was rather sad to hear Deputy Le Hérissier say he was going to give it a symbolic vote. I really think that is not what we are here for. This is a question where we look at this, we have got to deal with the proposition as it is, and there are a number of questions. We all know it might be better for people to give their answers separately, but that is not what we are being asked to do with this proposition. Even if we had the answers separately, we would have to try and accommodate those answers in one package. I think there was very clear evidence when we had the meetings in the

Parish Hall; there were very strong feelings about some of the Clothier reforms. It did not have general support, which is why it followed the course it did. This in effect has put P.P.C. into a virtually impossible position, we know people want reform, but you cannot get all of the reforms suiting all of the people, so the only thing that P.P.C. has been able to do is to bring forward changes in steps. Some of those, like going to one election day, we know people want. The reduction in numbers we know people want but, as the Deputy of St. Mary has said, there are problems with this. Clothier did not really address the fact that we have only got one House and not 2. Other Houses have a chance to look at things separately, we are trying to do it with Scrutiny and we are struggling. So the number question I do not think has been resolved. As I said, P.P.C. have tried to do it step by step. There is no one magic bullet, Clothier is not a magic bullet, it is not going to make everybody happy if we do that. We have had one change to Ministerial government and we can see from the results of this House a lot of people do not think that has worked properly. Now I am not going to say one way or another whether it is right, we may be getting more decisive government, which was the reason for having it, but a lot of people are not happy with what we have. So there is no magic bullet and I think the only way this House is going to go forward is to take things a step at a time, as P.P.C. have tried to do. This, I am afraid, is not the answer.

3.3.18 Deputy G.P. Southern:

I have been paying careful attention to the arguments as they have been presented throughout this afternoon. It seems to me that it comes down to a House, which is split effectively, it is split between those Members who believe in reform and fundamentally believe in the Clothier reform, and cannot for the life of them understand how we got to a position over a decade ago whereby we did exactly what Clothier suggested we should not do, which was to cherry-pick, and it was very careful cherry-picking that suited a few; that suited a centralisation of control; that suited a Council of Ministers, which kept greater amounts of information to themselves, and one that did not even consider the concomitant second half, which was changing the nature of this Chamber. Now we avoided that, as I think Deputy Martin said, almost exactly 12 years ago, we avoided that then through a diabolic coalition of forces, and we are still trying to avoid that decision. I believe that a decision on Clothier must be made; it is inevitable, sooner or later we have to make that decision. Whether this way forward is exactly the right way forward, and how often do we hear that in debate in this Chamber, a proposition comes from a Back-Bencher usually, to the Chamber, and he is told: "Well it is not quite right", it contains, in this case, 5 or 6 clauses, and everybody in the Chamber could pick off one of them and say: "Well I do not agree with that." But hang on, the arguments that are being used today are not about the Members of this Chamber agreeing with or otherwise any of the elements contained in what is proposed for an overarching referendum, it is about putting those questions, the questions that Clothier posed 12 years ago, to the members of the public; simply that. Now I do not believe it is beyond the wit of man or woman to devise a referendum that covers all of these bases and is coherent and is formed of questions that members of the public (a) can understand and (b) can vote yay or nay on. We have heard arguments from people today saying: "Oh but what if we do not get the right results, what if we do not get any result?" Then at least we will have put it to the members of the public, to our voting public, because we have been ... I will not use that phrase, we have been messing around on the outskirts of this idea ... I think the Constable of St. Mary knows the word I was going to use; that is why she is laughing. We have been messing around on the edges of this question for far too long and I believe Deputy Le Hérisier hit it on the nail when he said: "And if you vote in this referendum we will not bring this back to you for 20 years", and certainly that would get a ginormous response I believe. So perfectly possible to go ahead with this, we do not have to prejudge the answers, we can find a form of words, which make it workable, and at last, in the eyes of the voting public, we will have addressed the question that we have been running scared from for years, and we should stop doing that and face up to the reality we have to bring this. We have to bring it sooner or later, we may as well bring it now, let us vote for this referendum.

Deputy J.M. Maçon:

On a point of order, if I may. If the States adopted point (b) of this proposition, presumably it would have to be put to the electorate in this form, it could not be changed around, is that not correct?

The Deputy Bailiff:

That depends on whether or not there is going to be a second debate. Mr. Attorney, are you able to help us on this?

The Attorney General:

The Referendum Law would require that an Act is produced dealing with the details of the referendum, including finalising the form of the question. I think, if this proposition were adopted, probably the Chief Minister would need to come back with a question precisely in this form, but then it would be for the States to adopt the form of the question when it considered the Act on a subsequent occasion, as I understand the effect of the Referendum Law.

Deputy J.M. Maçon:

I thank the Attorney General for that clarification.

Deputy P.V.F. Le Claire:

Could I just seek final clarification, if possible, from the Attorney General, and that would then be open to possible amendments from the floor of the Assembly?

The Attorney General:

I am not sure if that is something for me to comment on as to the procedure in the Assembly.

Deputy P.V.F. Le Claire:

It is a matter of law, if the Referendum Law is brought back before the Assembly in the form of an Act then ...

The Attorney General:

I think, if there is to be a change in the form of the wording, there has to be a further debate, and I think that it would probably be possible for, when the proposition exhibiting the Act is before the Assembly, that Members could probably bring possible changes to that if they thought necessary.

Deputy A.E. Jeune:

May I ask another question of the Attorney General?

The Deputy Bailiff:

Yes, indeed.

Deputy A.E. Jeune:

I would like to ask whether in fact my understanding of Jersey Referendum Law is such that, whatever the decision, if it is a vast majority even, it is not binding on this Assembly?

The Attorney General:

That is so.

The Deputy Bailiff:

I wonder if I might give some guidance to Members. There is a potential difficulty. Under Standing Order 104(2)(h), which says this: "A Member of the States must not seek, within a debate, to reopen discussion of a decision of the States made within the preceding 3 months unless the debate is upon a proposition to rescind the decision." So that, if there were to be a further debate within the next 3 months, which led to a change in the nature of the question, which was going to

be put, that Standing Order would have to be lifted, it seems to me, for the purposes of that debate. Does any other Member wish to speak? Then if no other Member wishes to speak I call on Deputy Shona Pitman to rebut.

[15:45]

3.3.19 Deputy S. Pitman:

Just to start with, I thank Members who spoke during the debate, and I just wanted to clarify what Deputy Martin said, that I would be quite happy that each question, if it were successful, would have the yes and no answer after it. Just firstly, with regard to the last questioner, she asked if the referendum was binding. The results of it were binding to the States, and it is not, as we know, but this is a democratic tool - a referendum is a democratic tool - which we agreed in 2002. I will try and be as brief as possible, but there were a lot of questions and comments, which I think I should comment on. Firstly, I will start with the Constable of St. Ouen and the Deputy of St. Peter, and the Constable said that he has taken a practical stance on this and the Deputy of St. Peter said that the Jurats... we really need more time and discussion with the Jurats. I wonder, if this was the case, because we have a system where we have got 3 ballots, 3 ballot papers for 3 positions, and by adding this fourth one, we cannot possibly do it, it is going to be more confusing. Well if this does not happen, it is never going to happen as long as we have got these 3 ballot papers; so when are we going to get change? Senator Perchard spoke of the ... that Members will have different views on the different ... whether they agree or disagree with the questions that they should be in or not, and he said it is a nonsense, he called this proposition a nonsense, and I would like to ask him; was his proposition for a referendum to ask the people if they wanted an extra hour of light in the winter ... I think that is far more a nonsense than this proposition. Deputy Maçon spoke of the problems of the methodology and implementing the questions, and also add to that dealing with the results, and I would say initially, as we have just heard, it would be the Chief Minister who would be dealing with that, and then the Council of Ministers, P.P.C., and ultimately the States. Senator Ferguson, she said really we should be asking simple questions like, should the U.K. be part of the E.U.; that is what we should be putting to the public. Well I am sorry; that has far, far more implications and work on it than these questions here. So I am not ... she has had her speech.

Senator S.C. Ferguson:

It was an example.

The Deputy Bailiff:

The proposer is not giving way.

Deputy S. Pitman:

She also said that these recommendations from Clothier are 10 years old and these are out of favour, we should not be coming back now, and I ask her, do principles change; each and every one of us have principles, do they change? Here I am talking about the principles of democracy, equality of representation, and separating the judiciary from the legislator. To me that last one, it is also common sense to me, and it is something, these cannot be dated, these principles cannot be dated. The Constable of St. Mary, she talked about that we probably need more information for the public on especially the Bailiff, after reading the Lord Carswell report. Well again it is that principle of separating the judiciary from the legislator. That does not need work behind it, we have already done that; we now have to do it with the Bailiff. So I ... and that principle is behind the question that I put in the referendum. Furthermore, like with Deputy Maçon, the question about what we would do with these questions or how would we ask them, again I would go to the Chief Minister and then Members ultimately. The Chief Minister had problems with the questions and not separating them, he talked of the one regarding all Members with the same name and the 4-year term, and I would say, not just to him, but to other Members who have also spoken, that they may agree with one question and not the other, it is about the people, asking the people questions, but

this is also a package, and I suspect, if I had just brought a proposition regarding the dual role of the Bailiff, then people would tell me it is piecemeal, and we hear this so many times and now what I have tried to do is put these key issues in one package. The last Member ... comments on the last Member will be the Deputy of St. Mary, I did not quite get everything because he spoke for so long, so I believe he was saying that the proposition does not deal with the Ministers and ... I am not quite sure what he was saying regarding the Ministers, if they were ... we were all part ... we were all one States Member. Now what I ... my answer to what I thought he was saying was that there would be ... I think he spoke about whether they would be representative or not, as all with the same name, and I do feel that, with the redistribution of these Members in larger districts than now, would give all of us a wider ... a mandate for more people as we have at the moment, people are in as Ministers and have no mandate from the people. He also spoke about 53 Members covering every aspect of the Government, and we do not have that at the moment because there are some Members, including myself now, that are not members of Scrutiny, so we do not have official functions, and I think that the number of Members in that position at the moment is around about the numbers that have been talked about within the question of cutting Members. That is all I have to say on what Members have said, and I would just like to finish with a quote from the Clothier Report, which I think is very relevant to all of us who are representing people: "Some of the changes we recommend may be painful to some of those at present in positions of authority, but in all our efforts we have focused on what will be the best for Jersey in the 21st century and particularly on the requirement to produce a coherence and consistency in government decisions. We have paid the closest attention to what the people of Jersey at all levels have said to us in evidence, preferring the voice of the people to any predilections of our own. What follows in this report is a response to strong currents of evidence, both spoken and written, which we could not possibly in our duty ignore." Thank you. I call for the appel.

The Connétable of St. Saviour:

Could I, before we go to that, ask the Chair for clarification on one item? The proposer has said in her summing up that she would be happy if it was brought back with a number of questions as opposed to the one single one. As the proposition is, and as we have to vote on it, there is a single question. Does the change to the number of questions, if that was how it was brought back, would that not be a fundamental change that would not be permissible?

The Deputy Bailiff:

It seems to me that would be a change in the form of the question, which would give rise to the difficulties I have mentioned under Standing Order 184, and therefore the States would have to resolve to lift that Standing Order to enable there to be debate effectively on that point.

Deputy M. Tadier:

On that same issue, it does say that the ... we are agreeing the text of the question, we are not necessarily agreeing the order in which the text should appear or the frequency of the yes and no, so could it be argued that it is a political decision and not one that would necessarily require the lifting of that Standing Order?

The Deputy Bailiff:

The text of the question is given in inverted commas in this proposition, and that seems to me to be clear. Before I ask the Greffier to open the voting, in the light of the proposer's statement on causing pain to existing office holders, I would like to emphasise to all Members that both the Bailiff and I in our representations to Lord Carswell's committee have said that it is entirely a matter for the States and we respect the States' decision in that matter, and therefore Members should not be taking into account any personal feelings of the Bailiff or the Deputy Bailiff. We have our own views as expressed to Lord Carswell about what the solution ought to be, but we both respect entirely that it is for the States.

Deputy T.M. Pitman:

Could I just say thank you to that, I think it is really valuable to all of us to hear that statement, so thank you on behalf of the House.

The Deputy Bailiff:

Then I invite Members to return to their seats and the Greffier to open the voting.

POUR: 20		CONTRE: 27		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Senator F.du H. Le Gresley		Senator P.F. Routier		
Connétable of St. Helier		Senator B.E. Shenton		
Connétable of St. Clement		Senator F.E. Cohen		
Connétable of St. Lawrence		Senator J.L. Perchard		
Deputy R.C. Duhamel (S)		Senator S.C. Ferguson		
Deputy of St. Martin		Senator A.J.H. Maclean		
Deputy R.G. Le Hérisssier (S)		Senator B.I. Le Marquand		
Deputy J.A. Martin (H)		Connétable of St. Ouen		
Deputy G.P. Southern (H)		Connétable of Trinity		
Deputy of Grouville		Connétable of Grouville		
Deputy J.A. Hilton (H)		Connétable of St. Brelade		
Deputy P.V.F. Le Claire (H)		Connétable of St. Martin		
Deputy S. Pitman (H)		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of St. Saviour		
Deputy of St. Mary		Connétable of St. Peter		
Deputy T.M. Pitman (H)		Connétable of St. Mary		
Deputy T.A. Vallois (S)		Deputy J.B. Fox (H)		
Deputy M.R. Higgins (H)		Deputy of St. Ouen		
Deputy J.M. Maçon (S)		Deputy of St. Peter		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		

4. ARRANGEMENT OF PUBLIC BUSINESS**The Deputy Bailiff:**

We now come to P.15, the Electoral Commission, which has been lodged by the Deputy of St. Mary. There are amendments, which have been lodged also in relation to this projet, including amendments by the Deputy himself.

Deputy C.F. Labey of Grouville:

Before we start that debate, could I seek leave from the Assembly to just test the water as to, if they wish to take my proposition, or a similar motion, after this one; that way we get all the reform issues over and done with, and then possibly move Green Waste to the next sitting or afterwards, I do not know. I have asked Deputy Le Claire what he wishes to do, but I am not sure yet if he has made up his mind, but I would just ... I mean it is getting quite late now and it would be quite useful to know if we are to come back tomorrow, next Tuesday - the following sitting, whatever.

The Deputy Bailiff:

Chairman, have you any matters to put to the Assembly about the order of business?

The Connétable of St. Mary:

As you are aware, Standing Order 29 states that business not completed at this sitting will be carried forward to the next sitting. We have no further continuation days set aside. Of course, it is open to the States to decide otherwise, but I have talked with Members who have propositions coming up. We have a lot of business for the next sitting, but some of that business could be deferred, allowing business from this sitting to be carried forward to the next sitting, but I am in the hands really of the Assembly as to how they feel. I am just conscious that Members may have other things they have set aside for tomorrow or for next week.

[16:00]

The Deputy Bailiff:

Deputy of Grouville, do you have a proposition to make?

The Deputy of Grouville:

Yes. Perhaps I can propose, because the reason why I brought this forward was because I thought Privy Council needed to have this information as soon as possible and I just think it would be keener if we got all the composition or the electoral reforms over in one go. So if that means coming back tomorrow or Tuesday, I think then we would be clear before the following sitting.

The Deputy of St. Mary:

Does it not depend a little bit on when a continuation day might be, from which we really need guidance to see whether that is possible.

The Deputy Bailiff:

The Chairman has already indicated that, as I understand it, there are no proposals from P.P.C. to have a continuation day and that business, which is not completed on this list, will simply be carried forward to the next list in 2 weeks' time. If there is no resolution to the contrary, and we do not complete all the business today, it will be carried forward to next time, unless there is a proposition to the contrary, which is why I am inviting the Deputy of Grouville to indicate whether she has a proposition to make.

The Deputy of Grouville:

Could I propose that we take my proposition after the Electoral Commission and we sit tomorrow if necessary?

The Deputy Bailiff:

Is that seconded? **[Seconded]** It is proposed that, after we have dealt with P.15, we then go to the Deputy of Grouville's proposition P.26 and continue tomorrow. Deputy of Grouville, do you wish to speak to that proposition?

The Deputy of Grouville:

I think I said all I need to say.

The Deputy of St. John:

We have a speed limits review coming, which we are working on, so we have meetings planned for tomorrow. We have a Chairmen's Panel meeting tomorrow morning, so mid-morning onwards, and if it is moved to tomorrow or even next Tuesday, next Tuesday we have a full day of hearings with the Minister for Transport and Technical Services and the Minister for Home Affairs, and other Ministers, and, all in all, both those days are not suitable for a number of Ministers and panel members to be in this Chamber.

The Deputy Bailiff:

I am sure that all Members will have had matters planned for tomorrow, so rather than have every Member say what they might be doing tomorrow, let us take it as understood that Members will have business fixed for tomorrow and they will be able to take that into account when they vote. Deputy Southern.

Deputy G.P. Southern:

Yes. As the Chairman of the P.P.C. suggested, we have a way of doing things. In the interests of good order, I would suggest that the way in which we normally do things, which is to carry them over to the next meeting, is the correct way to proceed. I understand, having said that, that the proposer is suggesting there is some hurry about getting to Privy Council, whether or not that is the case I think it is also true that some 3 or 4 Members of the Chamber are due to be absent on States business in a fortnights' time and I think that is the real reason why this proposal is before us.

The Deputy of St. Mary:

Yes. Obviously I am the proposer of the Electoral Commission, and I know the details of the timescales involved. The 2-week delay I do not think would have a serious material impact if we accepted it, whether there would be time, if it was amended, for P.P.C. to do the necessary consultation and bring back a proposal for the construction of the Commission. I am going into details, which Members obviously have not done as much as I have, but I think that the 3 months, we would be able to do it with that extra 2 weeks, but it would be just that bit more difficult, so I am just putting that in Members' minds. I would prefer that we ... we have been talking about electoral matters, we do this one, we do my one, and we just go to the next time without more electoral reforms.

The Deputy of St. Martin:

Would it not make sense to propose that we deal with P.26 before the Electoral Commission and then at least we have got that one out of the way?

The Deputy Bailiff:

We are at the moment taking P.26 after the Electoral Commission, and that would be a different proposition that you are putting forward. It is open to you to put it forward later if you wish.

The Connétable of St. Mary:

I have been advised that the earliest the Privy Council will be considering the law, which we have already passed, is in May, so I am advised that there is not ... it would not matter therefore if we waited until the next 2 weeks, in case that assists.

Deputy M. Tadier:

My concern is that, even if we do accept this today, well even if we accept for Deputy of Grouville's proposition to be taken after this next one, we are still not going to get through today and I do not think ... so I think the first proposition should be logically whether we have a continuation day; that should be a discrete vote, and then once we have decided whether or not to have a continuation day.

The Deputy Bailiff:

The proposition is to take ...

Deputy M. Tadier:

The Deputy may be willing to not have that proposition and to give way to a proposition on whether or not to have a continuation day. That would seem more logical.

The Deputy Bailiff:

The proposition is to take P.26 after the Electoral Commission and sit tomorrow. That is what is currently before Members. If no other Member wishes to vote ... you do not wish to reply, Deputy?

The Deputy of Grouville:

No, I think it can be put to the vote.

The Deputy Bailiff:

Then those Members in favour of the ...

Deputy J.A. Martin:

Sorry, can we just be quite clear, because even the people around me are not clear what we are voting on. I am, but people are not keeping up, I am very sorry. **[Laughter]**

The Deputy Bailiff:

The appel has been called for, the vote is on a proposition from the Deputy of Grouville to take her projet P.26 after the projet P.15 of the Electoral Commission and continue tomorrow. So I will ask the Greffier to open the voting.

POUR: 14	CONTRE: 34	ABSTAIN: 1
Senator P.F. Routier	Senator T.A. Le Sueur	Connétable of St. Lawrence
Senator P.F.C. Ozouf	Senator J.L. Perchard	
Senator B.E. Shenton	Senator A. Breckon	
Senator F.E. Cohen	Senator S.C. Ferguson	
Senator A.J.H. Maclean	Senator B.I. Le Marquand	
Connétable of St. Ouen	Senator F.du H. Le Gresley	
Connétable of St. Helier	Connétable of Trinity	
Deputy of St. Martin	Connétable of Grouville	
Deputy R.G. Le Hérisssier (S)	Connétable of St. Brelade	
Deputy J.B. Fox (H)	Connétable of St. Martin	
Deputy of Grouville	Connétable of St. John	
Deputy K.C. Lewis (S)	Connétable of St. Saviour	
Deputy of St. Mary	Connétable of St. Clement	
Deputy E.J. Noel (L)	Connétable of St. Peter	
	Connétable of St. Mary	
	Deputy R.C. Duhamel (S)	
	Deputy J.A. Martin (H)	
	Deputy G.P. Southern (H)	
	Deputy of St. Ouen	
	Deputy of St. Peter	
	Deputy J.A. Hilton (H)	
	Deputy P.V.F. Le Claire (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy S.S.P.A. Power (B)	
	Deputy S. Pitman (H)	
	Deputy of St. John	
	Deputy M. Tadier (B)	
	Deputy A.E. Jeune (B)	
	Deputy T.M. Pitman (H)	
	Deputy A.T. Dupré (C)	
	Deputy T.A. Vallois (S)	
	Deputy M.R. Higgins (H)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	

The Deputy of St. Mary:

Can I now make a proposition that we have P.26 now, ahead of P.15?

The Deputy Bailiff:

Is that seconded? [**Seconded**] Very well, is it necessary to speak on it, Deputy? Do you wish to propose this?

The Deputy of St. Martin:

It may be that I can avoid the matter of any debate or discussion. I gather I have the right to put mine off until next time.

The Deputy Bailiff:

Do you wish to propose that?

The Deputy of St. Martin:

I would like to propose we have P.26 next.

The Deputy Bailiff:

So you do not wish to add anything in proposing it?

The Deputy of St. Martin:

No, nothing to add, no.

The Deputy Bailiff:

Does any Member wish to speak? The Deputy of St. Mary, do you wish to speak?

The Deputy of St. Mary:

Yes, what I was asking was whether within Standing Orders I have the right to put mine off for 2 weeks.

The Deputy Bailiff:

Yes, you can put it off for 2 weeks if you wish. Deputy Tadier.

Deputy M. Tadier:

The point I am trying to make is that even if we agreed to take P.26 immediately, it is not going to be finished today, and that is why we needed to vote on whether or not to have a continuation day. It is not going to be finished today, so, after this, I will be ... well that is the reason I stood up before, so let us see how things pan out.

Deputy J.M. Maçon:

I am very sorry, I do feel that I need to speak. I believe, with adopting this one, or indeed the Electoral Commission, there is an impact in the Order about how things can be debated. I have been in discussions with the Greffier. I wonder if the chairman of P.P.C. might be able to comment because I do ... I am of the understanding that, if one were debated and accepted, it would have implications upon the next one, but I could be wrong.

The Deputy Bailiff:

The Chairman of P.P.C. is shaking her head, apparently no implication.

Deputy P.V.F. Le Claire:

Obviously, as Deputy Tadier has mentioned, we are not going to close any of the debates that are up in this session regardless, but what would happen if we agreed to the proposal by the Deputy of St. Martin is that it would give the opportunity of those that are not really up for any reform of

voting in favour of the Deputy of Grouville and then kicking the Deputy of St. Mary's proposition into touch, so there is an opportunity for us all.

The Deputy Bailiff:

The only issue for the moment is what we are debating next. There is a proposition from the Deputy of St. Martin to debate next P.26. Will Members in favour of that proposition kindly show. The appel is called for. Then I invite Members to return to their seats. The proposition before Members is to debate next P.26. I will ask the Greffier to open the voting.

POUR: 27	CONTRE: 18	ABSTAIN: 2
Senator T.A. Le Sueur	Senator A. Breckon	Connétable of St. Lawrence
Senator P.F. Routier	Connétable of St. Martin	Connétable of St. Mary
Senator P.F.C. Ozouf	Connétable of St. Saviour	
Senator B.E. Shenton	Connétable of St. Clement	
Senator F.E. Cohen	Deputy R.C. Duhamel (S)	
Senator J.L. Perchard	Deputy G.P. Southern (H)	
Senator S.C. Ferguson	Deputy of St. Ouen	
Senator A.J.H. Maclean	Deputy J.A. Hilton (H)	
Senator B.I. Le Marquand	Deputy P.V.F. Le Claire (H)	
Senator F.du H. Le Gresley	Deputy S.S.P.A. Power (B)	
Connétable of St. Ouen	Deputy S. Pitman (H)	
Connétable of Trinity	Deputy of St. John	
Connétable of Grouville	Deputy M. Tadier (B)	
Connétable of St. Brelade	Deputy T.M. Pitman (H)	
Connétable of St. John	Deputy T.A. Vallois (S)	
Connétable of St. Peter	Deputy M.R. Higgins (H)	
Deputy of St. Martin	Deputy A.K.F. Green (H)	
Deputy J.B. Fox (H)	Deputy J.M. Maçon (S)	
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy of St. Peter		
Deputy J.A.N. Le Fondré (L)		
Deputy K.C. Lewis (S)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy A.T. Dupré (C)		
Deputy E.J. Noel (L)		

4. Draft States of Jersey (Miscellaneous Provisions) (Jersey) Law 201-: request to Privy Council (P.26/2011)

The Deputy Bailiff:

So we now come to P.26 lodged by the Deputy of Grouville and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 20th January 2011 in which, subject to the sanction of Her Most Excellent Majesty in Council, they adopted a Law entitled the States of Jersey (Miscellaneous Provisions) Law 201-, and to agree that it is no longer the wish of the Assembly that the Law should receive the sanction of Her Most Excellent Majesty in Council and to charge the Greffier of the States to write to the Clerk of the Council notifying the Clerk that it is the wish of the States of Jersey to withdraw the Law which was transmitted through the official channels under cover of a letter from the Greffier of the States dated 26th January 2011.

The Deputy Bailiff:

Can I say to Members that Standing Order 99 requires Members not to converse noisily or otherwise act in a way, which, in the opinion of the Presiding Officer, disturbs the proceedings of the States. When Deputy Trevor Pitman was speaking earlier he was disturbed by noise around him. There have been other occasions today when that has happened and indeed other days, and it was certainly happening just a moment ago when the Greffier was reading the proposition, so will Members kindly remember that Standing Order. Now, the Deputy of Grouville.

4.1 The Deputy of Grouville:

Thank you. A little rushed, but I do not bring this proposition to the Assembly lightly, and nor do I bring it from any political grouping or persuasion, but I do bring it, as do the other 2 Deputies and Constable who signed the motion, absolutely convinced it is the right thing to do. I appreciate we only voted on this issue in the autumn and again in January, but in among deciding on a 4-year term, which obviously suited most Members serving on a 3-year term of office, and in among deciding on whether we should go canvassing on a pleasant spring day or a rainy November one, and having to lengthen or shorten terms of office accordingly, in among all of that we managed to disenfranchise the public of their democratic voting rights by at best one-fifth or 20 per cent, or at worst 26 per cent, and that cannot be taken lightly. So I make no apology for bringing it back to the Assembly and I know it annoyed and inconvenienced certain Members, but if some of the other niceties are to be jeopardised as a consequence of these reforms being rescinded, that I am afraid is too bad, and really quite insignificant compared to thwarting democratic rights as we have done. But in all honesty, the reduction of the Island-wide mandate should really have never have been put together as a package, nor can Members be surprised that the public did not pick up on what was going ...

[16:15]

So the issue of reducing people's rights to vote should have been considered as a significant stand-alone proposition. A stand-alone proposition, which made perfectly clear and highlighted the fact that supporting it would be an infringement of a person's right to vote; that, if such a proposition was accepted, the public would be given less of a say in the makeup of this Assembly. Unfortunately, no such statements were forthcoming by P.P.C. in their report, or anywhere else, so Members could be forgiven for voting for a reduction of Senators if they had not fully appreciated the magnitude of their decision. Having said that, I do not envy P.P.C. in their quest for reform, but I believe that a lot of the current dissatisfaction arises from Ministerial government, and the marginalising of States Members in the Government they were elected to serve. Deputy Le Claire and the Deputy of St. John both alluded to this fact this morning. Ministerial government does not work in our small community and it does not work, I am afraid to say, without party politics, which I do not believe our community has the appetite for. The system that suited us best was what we had before, the committee system, but I believe that is really a debate for another day. Personally, I felt improvements had been made to our electoral system, improvements and reforms, I hasten to add, that will still stand if my rescindment is accepted. Much has been achieved in the recent years. We have now got all the Constables coming up for election together. The Deputies' term of office has been brought forward to make a single voting day, thus doing away with the '2-bites-of-the-cherry' syndrome that the public resented so much, when a failed Senatorial candidate, having raised their profile and received 5 weeks' worth of publicity, could then chance their arm at the Deputies selection. Some of those objecting to my proposition today will have used this system I dare say. We no longer have elections spreading over ... yes, we no longer have elections spreading over 9 weeks and understandably the election fatigue that goes with it, with the lull between the Senatorial and Deputies elections. Now, for the first time, all the Constables, all the Deputies, and 6 Senators, will all be up for election on the same day, and I congratulate P.P.C. on achieving these long-awaited reforms. There could still be further reform within our existing system, an easier voting system, not only for the sick, those absent from the Island, but also those who wish to vote

in another Parish in their lunch hour, for example. Also, I have made no bones about having clearer defined roles set out by the office for which we stand, a point that was made in yesterday's *Jersey Evening Post*. Constables should make more of their Parish Assemblies. There need not be calls for referendums if the Parish system worked as it should, with discussion and votes taken on central issues at Parish Assemblies, real grass-roots politics in action to entice younger and greater participation on issues and concerns, thus encouraging a real connect with the public. I would certainly agree with the author of that letter that there needs to be more definition within our existing roles. I would go further than that, I would like to see consideration being given to Ministers coming only from the Senatorial benches, that would give them the standing in Ministerial governments that we spoke about in the last debate. We still need to adjust the anomalies of numbers within our representation, my own Parish being represented by one Deputy and St. Lawrence, with the same number of constituents, by 2. So if the people want a reduction in States Members, I suggest we start with St. Lawrence. Reform can and should take place and we should improve and enhance our system, but what we cannot do, without any regard to the electorate, is to remove their democratic right to vote and that is exactly what we have done. It is no coincidence that some members of the public, and those especially interested in politics, have looked at this decision with disbelief; a petition I believe of some 2,500 to 3,000 has been collected in just under 2 weeks. Members of this Assembly cannot ignore this fact, nor can they ignore the fact that, so outraged are some of the electorate that they are willing to take this infringement and their rights to the Privy Council, and in my opinion they are perfectly justified to do so. If some Members are worried about the reputational credibility of this Assembly in asking Privy Council to put to one side a previously-made decision, then I suggest they do not be, because, if we are going to bury our heads in the sand to such an extent, to allow a petition to be served by the people of Jersey to Privy Council, stating that their democratic rights have been infringed, then, if I were on Privy Council, I would ask myself what on earth was going on in Jersey. It is that scenario, if anything, that will erode Jersey's reputational credibility, where the people say that their own government, this Assembly, has got a decision so badly wrong that the U.K. authorities are being asked to intervene; that this government is reducing its own community's democratic voting rights. Today I am giving Members the opportunity to reflect and reconsider this decision. P.P.C.'s comments were confusing, in my opinion, in that they omitted to reiterate that we still have, and will still have, regardless of my proposition, a single voting day. Probably one of the most underrated aspects of Senators is that they are elected on a rolling basis, 6 out of 12 being required to stand every 3 years. This was intended to provide some continuity within our government and favoured by many people and the economy. The Senators' role, in addition to offering equality of opportunity to all voters taking part in Island-wide mandate, their existence reduces the unavoidable level of gerrymandering that is inherent within the parochial system. The number of Deputies has been progressively increased, rightly so, since their inception, as a means of balancing voting power across the Island. As the population increased, and the number of voters in each Parish altered, the marginal unfairness continues to this day, as I have already alluded to between my own Parish and St. Lawrence. However, the operation of a British-style boundary commission would not be popular in Jersey where the Parish boundaries are a matter of accurate historical record and where there has been little enthusiasm expressed for so-called parochial super constituencies. Parishes are whole communities and should remain so. Our Parish boundaries and cross-Parish voter numbers are of course not relevant to a Senatorial mandate. There can be no gerrymandering with Island-wide voting and there would be no need for regular and expensive reviews of registered voter numbers across the Parishes. I note P.P.C. used statistics taken from the MORI poll in their comments, yet they must stand culpable for ignoring other elements of the consultation advice they commissioned and presented to the States in March 2007. The preferred Opinion 1 was based on a formula of fewer States Members and a general election day, 30 Members would be elected Island-wide, as Senators are at present, and 12 Parish Constables would stay in the States. All Members would be elected on a single election day every 4 years. There would therefore be no Deputies anymore, but we would have 30 Members elected Island-wide

rather than 12 at present. With 12 Constables there would be a total of 42 States Members, 11 fewer than at present. This scored 31 per cent in the poll and was the favoured option. The second preferred choice was Option 3, the same numbers and the same 3 categories, Senators, Deputies, Constables, and, as at present, all elected on one general election day. This means that the existing membership would be retained, but instead of having a lot of separate election days and different terms of office, all 53 Members would be elected on the same day every 4 years. When going to the polls on the election day, electors would have 3 separate ballot papers to vote for 12 Senators, their Parish Constable, and their Deputy or Deputies. This scored 17 per cent. The size of the poll was sufficient to allow the real trends and be extrapolated to the voting population as a whole. The reason I mention this is because the results clearly demonstrated that Jersey voters wanted a higher proportion of States Members to be elected on an Island-wide franchise, as Senators are at present. The second preference ... the second preferred option called for the same composition of Members, but with all Members elected on the same day for a 4-year term. There is no suggestion in any of these leading option results that Jersey voters wish to have a reduction in the number of Senators; in fact the desire was clearly the opposite. It can only be assumed that P.P.C. has misdirected itself in its desire to establish a general election, and the need to conform the rolling Senatorial elections to that premise. An earlier MORI poll made the position very clear; the highest preference was for the Island-wide voting, retaining the Constables came second, and holding a general election came third. It was well established that the Senatorial Island-wide elections on a rolling basis were incompatible with holding a general election. P.P.C. has never been obliged to explain why it decided that third-placed priority has been deemed as more important than the clear popular demand for the Island-wide balloting; indeed there has never been a proper detailed debate on whether rolling terms of office should be discontinued when it could be argued that the stability of government policy it provides is a helpful support to industry and therefore tax revenue. This Assembly I believe has clearly lost its way with reform and I look forward to having the debate on the Electoral Commission. If Members decide that it is wholesale reform we need then it has got to be coherent, well thought out, with a vision of how we want this Assembly to look, and then operate to government there from. What we cannot bring about are changes in this piecemeal fashion where democratic rights are infringed and reduced in the guise of a reform package, and it is even more clear that we, as an Assembly, with vested interests, cannot bring about wholesale reform.

[16:30]

If we decide to go down the Electoral Commission route, then I would like to hand over what our tried and tested Government that has served us well over the years and not erode it as we have done. I was speaking with a Deputy yesterday evening and he told me he could not vote for this motion because he had promised his electors a 4-year term and a general election. We have the single voting day, but I would ask him 3 things: does our 4-year term benefit his constituents; did he also promise to reduce his constituents' voting rights by 4 votes as part of that package; and does the Deputy believe he has the right to make such a reduction? We have achieved a single voting day with all the Constables, all the Deputies and 6 Senators coming up for election on one day. I believe the compromise is the 6 Senators that provide continuity; that is 47 out of 53 Members elected together for the first time this October. P.P.C. in their comments talk about a certain degree of compromise and I believe we have got as close as we can get, The compromise is not, and cannot be, disenfranchising people's right to vote by between 20 and 26 per cent. So I make my proposition.

4.1.1 Connétable D.J. Murphy of Grouville:

I am going to back this proposition. I think it is eminently sensible, it is logical and it is democratic. I voted originally in October against the original proposition. I then supported Senator Cohen's proposition, and I supported the amendment of Senator Ferguson. I think the Deputy has said everything really that I wanted to say and there is no point in repeating it all. The only thing I

can add to it in fact is that this is probably the most popular representation that I have received since I become Constable 7 years ago. People do not really stop you in the street anymore and ask you about things, but on this one I have had more people stop me in the street, I have had more people talk to me about this and more people to even phone me up, and I think that we must seriously think now about this. This is a denigration of democracy. We are losing these votes, these people are not being represented properly and they are not having a proper Island-wide representation and I urge everybody to back this proposition. Thank you, Sir, that is it.

The Deputy Bailiff:

Does any other Member wish to speak?

4.1.2 Deputy T.A. Vallois of St. Saviour:

I am slightly disappointed that we are taking this proposition before the Electoral Commission, because I would have rather seen that we would have Electoral Commission agreed by the States Assembly first, before going back on a decision which apparently is democratically agreed by a majority of States Members. But on the basis we are here now, we are debating this area, I just want clarification from the proposer. She said that she wants to go to an Electoral Commission with the States intact, so therefore is she saying that we are going back on what we have already agreed in whole, or just purely on the Senators? I just need that clarification from her, because that is my concern. If it is the case that now what the States are saying to me, and what it seems like they are saying to me - because I have been very reluctant to speak on all of the States reform in recent months, because it is just one thing after the other, it is excessive repeating constantly, and not only the public are getting tired of it, we all are - the issue with this particular Senatorial area is if the States are now saying that it is up to the public to decide, finally saying that it is up to the public to decide the constitution of this House, to decide whether they want Senators and Deputies and Constables, then we have the Electoral Commission or we have a referendum for the actual people to say what they want, rather than aiming others against each other, because of a name. We all do a job in this House, we all have a role in this House. We got elected by people for the best interests of people in the Island. Now, I have had representation, I have had letters, I have had emails, I have had people speaking to me in the street about what happened and how undemocratic it is. I do not appreciate threats from people to say that I should be voting for this proposition. I will make my mind up based on people standing here in this Chamber making valid debate and also new evidence, as per fairly what the Deputy of Grouville has put forward, and I believe that every single Member of this House should do so, and it is not right for us to go back on a decision if there is no new evidence. I am willing to listen to other Members who are willing to speak on this, but I believe that if we do this, then we are no longer to discuss electoral reform. It should go to the public, it should go to an Electoral Commission, and we should give up trying, our vested interest, even though we are here to do the things for the best interests of the people of the Island, although constantly about it is about vested interest, our own roles, our own reasons, because we want to get back in blah blah blah. I think we are all sick and tired of hearing it and I just want confirmation from anybody that is going to speak and also from the proposer herself that that is the way forward.

4.1.3 Senator S.C. Ferguson:

I am glad to follow Deputy Vallois. I was going to speak for about 40 minutes on this, but I have retracted that. I just have a couple of points to make. The votes attributable to Members who opposed my amendment were the order of 72,000. The votes attributable to Members who agreed with the concept of retaining the Senators were in the order of 120,000. I think we ought to ask ourselves who is more representative of Island voters? It is a thought. I thought the Deputy of Grouville made a very good case and expressed it very concisely and explicitly. The only other thing, the Electoral Commission: I think we ought to take advantage of any Islanders who are willing to participate in the discussions about the reform of the States. The gentleman who circulated a letter to all of us stated that he was more than willing to assist us in our search for the

ideal reform and it may be that he would be willing to participate in an Electoral Commission, should we adopt the proposition of St. Mary, which would give Islanders a chance to participate in what is reform of their democratic rights. I shall be supporting the proposition.

4.1.4 Deputy C.J. Reed of St. Ouen:

We hear about infringement and impact on democratic rights, and yet we then hear the Deputy of Grouville suggesting that there are individuals that, dependent on the decisions made by this Assembly, will choose to ignore democracy and the decisions, the sovereignty of this Assembly and petition the Privy Council, because they feel that their views have not been heard. I am also struggling to understand the view being expressed by some Islanders that democratic rights of the Island community will be affected by the changes agreed by the States, following what I would believe and understand to be an extensive consultation over many years, supported by very, very, very regular debates on the matter within this House and this Assembly over certainly the last 8½ years that I have been a States Member. With the proposals as they currently stand and have been agreed and supported by this Assembly, we will, for the first time, have a general election where all States Members will be elected on the same day, or at least we will in 4½ years' time. The first event will be 47 Members. We are going to have one standard term of office of 4 years; 8 Members will be elected on an Island-wide mandate every 4 years, rather than 6 Members every 3 for a 6-year term. Now, again, working on simple maths, over a 12-year period, the ability is the same for the public to elect 24 Members on an Island-wide mandate. Where is the democratic deficiency in that? I am seriously concerned, and I will wait to hear, because all the information to date that I have been provided with suggests that if we choose to rescind the decision that we made 2 or 3 weeks ago, that we end up reverting back to the *status quo* and I certainly do not believe that that is a position that I would want to or wish to be in.

The Deputy Bailiff:

Does any other Member wish to speak?

4.1.5 The Deputy of St. Mary:

I do hope that we do have some other contributions as well. This is an important issue. Anyway, my first point is that the difficulty of going to the Privy Council, the credibility issue which is referred to in the comments by the P.P.C., how difficult is it to write a letter to the Privy Council saying: "Bin the previous letter" and then they bin it? How much attention will they pay to that? Do they have nothing else to do but think about the letters that we send them? I imagine their agenda is pretty crowded, and were one of the things on it: "Here is this thing that says, 'Do not look at the previous one' " that is one less thing on the agenda. I am not sure this will really cause a crisis of confidence in the relationship, and if you are looking for things that really are important in the relationship between Her Majesty's Government and Jersey, look no further than the L.V.C.R. (Low Value Consignment Relief). Now, there is an issue where the spotlight is on us and has been for some time, particularly I think with Lib Dems, but there are votes there, there are small business who are feeling the pinch, who are getting hurt by what they see is being done here, and that is part of the relationship, and I reckon that that exercises the mind of Her Majesty's Government rather more than this would do. So that is the first point. The second point is people have talked about, I think last week, circumventing the democratic process, that people out there would possibly take their concerns to the Privy Council, and they do not have the right to do that, because that circumvents the democratic process. Well, it is a mechanism that is available to citizens if they feel wronged, if they feel that there is no other recourse or if they feel that we have taken a decision that is so wrong that they have nowhere else to go. This is linked with the issue of rescindment, which is also mentioned in the report of P.P.C., that in principle we should not be going backwards and forwards just because the proposition that has been agreed does not agree with us, and therefore we keep trying to reverse it. Now, in normal circumstances that is true, and in normal circumstances you do not go shilly-shally, that is what is decided and so on. But I do not

think this is a normal circumstance. It is a very, very big issue. I brought a proposal to rescind the incinerator because it was a big issue, not because it was a little issue, it was £100 million and so on. This is another such issue. This is, as the proposer ably said, about the democratic representation of our people. They are concerned, and there is clear evidence, in spite of what the chairman of P.P.C. said this morning about the highest factor, the one that commanded the most dissent from the people was the general election, I think she said it was 71 per cent. Well, no, the highest factor that people said to MORI in a scientifically conducted poll - which, by the way, is much more scientific than going around the Parish Halls and finding out who shouts loudest at the Parish Assemblies, which is the alternative to finding out what people think, or was the alternative in 2002 - the figure for the Island-wide mandate was 78 per cent.

[16:45]

We all know that. The proposer has said that again, and yet we ignored it. P.P.C. chose to bring in P.72 in 2009, a proposal that ignored what the public most wanted, and produced a solution, which was the multi-Member constituency, which was what they least wanted. That is the problem; that people have got no way of creating a package that makes any sense, and of course with the Electoral Commission debate, we will address that. The 'bite-of-the-cherry' argument: I am surprised about that, and that brings this issue of whether the Island-wide mandate should mean something more than it currently does. I think the attachment of the public to it - and there is an undoubted attachment of the public to the Island-wide mandate - is something to do with their feeling that those who are elected Island-wide should have a bigger say, they should be those from whom the Ministers should be drawn. Now, there are discussions to be had about that, and I would like them to be had in front of the Electoral Commission, but the point is I think that may be something to do with the root of this issue, and there is a real problem if Wimberley, with 261 votes - or certain Members of our current Council of Ministers with no votes - are Ministers. There is a real problem there, and I think that is part of this move towards making sure that we have the numbers on the Senatorial benches to allow that connection between the Island-wide mandate and between power. My next point, and it might be my last point, is the implication that I got from the proposal - and I hope that in her closing speech she will comment on this - of no change. Deputy Vallois talked around that issue, and in my interpretation of this, it is not a 'no change' proposal, but I hope that the proposer will speak to this. The present situation is unsustainable, it is unfair and it does not allow the public to pass a verdict on their Government. So there are serious problems with it, which is why I will be proposing next sitting the Electoral Commission. But the problem that Deputy Vallois raised was this one first and then the Electoral Commission. The way is open for people to vote for this, against the Electoral Commission, and we end up with exactly what we have now, which is unsustainable - in the words of P.P.C. - unfair and does not allow the public a verdict. No wonder we have the lowest turnout just about in the Western world, because of these factors. So we cannot carry on, we cannot end up with a situation of the same again, and I am hoping that if we vote for this in good faith, all those who have nailed their colours to the mast of the Electoral Commission in the past at the last debate in January: "We need an Electoral Commission, an Electoral Commission, an Electoral Commission" and we have it in the summary of the effects produced by 5 Members, 6 Members, the effects of this proposition, where they point out that it does not have an effect of stalling all change, but they talk here about any changes recommended by an Electoral Commission, the other changes could be bolted-on into that process. So are we going to see those people and the House back the Electoral Commission next time? I see some cynical people smiling at me and saying: "No." That really worries me, that because we have taken it in this order, because that is the way we are taking it, that the way is open for no change, and that would be an absolute betrayal of the people we are here to represent. I know I concluded there, but I think one of the writers of this little note is going to take us through that, because I think that would be very helpful, saying that P.P.C.'s comments about the effects of this proposition are not correct. I do hope someone is going to expand on that and make sure that we all understand exactly the implications of taking this and how it does not throw over the whole caboodle and we

are back to square one. I do not think it does - but I do hope that one of the signatories to that would explain that position - but we cannot stay where we are. This is a response to what we should have done all along, which is take at least on board what we asked people to tell us in the MORI poll. I do think some of the arguments stack up about the Privy Council and so on, and I look forward to other submissions by other people.

4.1.6 Deputy J.B. Fox:

I am not going to go through all the details of the response by P.P.C., as my Chair will do that more eloquently, I am quite sure, than I ever could. But I would like to say a few words on the fact that we have been talking about change now since before Clothier, we have been going through this painful process of piecemeal, picking in pieces, *et cetera*, and as recently as last October, we finally got an agreed principle that we then discussed in January. What happened last October with this proposition that has been brought forward now? Were you all out of the Island or were you somewhere else? I do not know. I did not hear a word from anybody about losing 2 Senators now and 2 Senators later, but of all the other advantages, which was the only way that we in P.P.C. believed that we could bring it forward. The House agreed in October, but not just once, they then agreed in January again, and this is the bit that is most frustrating, is that this is short-termism. This, to me, is like going one step forward, 2 steps backwards, *et cetera*, which is absolutely ridiculous. Now, let us look at it realistically. I live in a district that the people in the district have 4 Deputies. We have one Constable, and at the moment, we have 12 Senators that each member of the district can go to. I do not know what went wrong, because I keep getting phone calls from all over the Island that I go and help people, and it is not just my district. If I asked everybody that is present in this room today to just raise their hand of how many times that they go and assist people or give advice or whatever, I think most of you would put up your hands, because that is true and that is where it is. Yes, we might lose 2 on this occasion. We cannot lose 2 Senators. That would be impractical and it would be not a good proposal. If we are going to reduce the Deputies, we have got to do it in a way that it will be a process which is painfully slow, but will happen. I am quite sure that it will happen. Then we have got the problem about the bigger district, and not even Clothier was suggesting a bigger district, but if you look at the bigger districts, you would have more people to vote for than you would otherwise, but I suspect that in the main that you are quite happy with the local representation you have and you do not want it from someone's next-door patch. But if you like the guy next door or the woman next door, you will ring them up, and if they are like me, that they have got a background that you are able to support them maybe in a more productive way than your actual elected Deputy, Senator or Connétable, you will ring that person. That is why I am not going to go and vote for this, purely out of piecemeal. A lot of work has been done over the years, and no, we are not there yet. But this is not insurmountable damage just even if the 3 persons that are on the proposal at the moment are concerned, because as the Deputy of St. Mary says, there is another debate coming up, but more to the point is that after October, there will be a great deal of new representation, I would suggest, from those that are retiring or do not get elected back in, for another States to look at it with fresh eyes and to say: "Is that where we want to be at this moment, and what process do we want to move ahead?" That process will happen, without a shadow of doubt, so we are talking about 6 months to 12 months away, and we will be moving off again hopefully in a positive vein to bring this political process forward and to make this Island into a much better prospective place than what we seem to be going through at the moment, which is going backwards in saying: "I agreed in October, I agreed in January, but by March, I have changed my mind again, but I forgot to mention it on all those other occasions." Absolutely crazy. Sorry, I will not be supporting this particular proposition for the reasons given.

4.1.7 Senator F. du H. Le Gresley:

If I was a parishioner of Trinity, I would believe that my democratic rights have not been available for at least 15 years. We know from an answer to a question posed by Deputy Tadier, which was circulated, that Trinity has not had a Deputy election possibly since 1996, although the records only

go as far back as 1999. Similarly, they have not had an election for a Constable prior to 1999. I do not know what happened then. So the poor parishioners of Trinity have no democratic rights in relation to their representatives. Well, they do, because it is their own fault. They had been happy to select the one candidate nominated, presumably by the good and powerful in the Parish, and they have not put up any opposition, so I am sorry, but they are not exercising their democratic rights and putting up other candidates. Now, if we were having an election, which we are in October, and the parishioners of Trinity are not happy that they can only vote for 4 Senators, they can now, for the first time in 15 years, vote for a Constable, if they wish, or a new Deputy. Now, is that not great? I wish I was living in Trinity, because for the first time I see an opportunity, and the same starts to apply to my favourite Parish, St. Ouen, because there the Constable - who is not in the Chamber - has not faced an election for numerous years, at least probably 12 years, 13 years, and the good Deputy is looking as though he is in a safe seat. Well, we believe so anyway. So the point is really - I am trying to be a little bit facetious - exercising of democratic rights means electing your own Parish representatives as well, and if you believe that the only chance you ever get to exercise your democratic rights is when the Senators come up, I am sorry, but that is tough, is it not? I have voted on both occasions for reducing the number of Senators. I said when I stood for election: "I believe there are too many Members in this House" and I believe that it would be completely wrong to say: "Well, I have just been voted a Senator, so you cannot touch the Senators." I am sorry, that is not the way I work. So if we lose some Senators, the point is really, of course - and we all know this - that it does not really matter whether you are a Senator, Constable or a Deputy. If you are chosen by the high and mighty to become a Minister, it does not really matter what rank you are in, you will be chosen, and similarly possibly as an Assistant Minister. It does not really matter. It is all about ability, or it should be, and really that is where we are at the moment. But what I finally wanted to say - and I have got a little bit excited, I am sorry about that - it is about process, is it not?

[17:00]

Now, I also should say to the Constable of Grouville, who unfortunately has left the Chamber, he said that he voted in January for the retention of the 6 Senators. He was not in the Chamber. I believe he was ill that day, but he did not vote, so he got that wrong, unfortunately. Now, the point I am trying to make is when we went through the legislation on 20th January, we had various votes, as we all know. The most contentious vote was that on the retention of 6 Senators, and the vote went as follows - and I am sure you all know this - pour was 21, contre was 28 and our dear friend, Deputy Duhamel, abstained. I do not know what he is going to do this time, but that apart, the real point I am trying to make is I understood when I was instructed, I think by the Greffier, on how these procedures work. If you go through a piece of legislation, you have various stages of voting, and if the Assembly eventually comes to the conclusion that we are now down the Third Reading, my understanding of that position is that we have had the debate, we are all now ready to finally seal that piece of legislation. So the Third Reading of this particular piece of legislation that we are trying to rescind today, how many voted for it: 45. I mean, how much of a majority do you want? How many voted against: 5. Surprise, surprise, signatories on P.26 are 3 of those. Well, that is fair enough. They have been consistent, I have no argument with that. But 45; so 45 Members of this House believed that the Third Reading of that piece of legislation was satisfactory. If they did not, they should not have voted for it. I am sorry, you should not have voted for it. So let us maintain the position.

4.1.8 Deputy J.A. Martin:

It is nice to see Senator Le Gresley getting excited for once. I thought that was a very, very good speech. Yes, let us come back to reality. I mean, I must read - and this is Clothier - just a short paragraph from Senators: "For many years, Senators tended to be senior Members of the States and the presidents of major committees. This is no longer the case. The very title of Senator is inappropriate, suggesting it does some kind of revising or upper House function which is found in

many other jurisdictions.” It goes on to say: “We have received no convincing evidence that there was a significant difference between the nature of a Senator’s role and that of Deputies in this Island” as they already said. Now, this is 10 years ago, and it has already been proven today that out of the Senatorials, there are only 5 that are even a Minister, not even on the committee, and some not Assistant Ministers even. They are apparently not in Government. You know, Ministers are in Government and the rest are not in Government; we are in Parliament, but not in Government. But this, I do not know where we are going to go from today, because I have never, in all of my years, witnessed anything as Senator Le Gresley has just said. We are 3 months, December, January and now February - well, sorry, just into March - it was lodged late in February, 2 weeks ago. What are we trying to achieve here? Now, we are talking about the public, and I really must state that I was going to make that point that Senator Le Gresley made. If I lived in 5 of the Parishes, I would think I would have no right, unless I did have my signature on the votes when there is 10, 10 for Constable. You have seen it, 35 non-contested seats in the last 10 years for Constable and 20 for Deputies, 20 non-contested. So if you happen to have the same Parish, which most of them are, your only vote is for the Island-wide. I have had people phone me or email me, and one was, I think, an ex-States Member who happened to live in the Parish of St. Ouen, and a short, sharp brief: “If you do not like it, stand yourself. Give someone an election.” Why not? It is exactly what Mr. Le Gresley said. But I come to what you are rescinding today. Please do not believe this ‘jam tomorrow’ that has come around on a bit of paper - some people do not seem to have it - it says: “The Privileges and Procedures Committee are not correct. If Privileges and Procedures Committee propose a simple amendment [blah blah blah] all the other changes can be implemented.” But then it goes on to say again: “If Privileges and Procedures Committee ...” I mean, we have nothing else to do, we are not trying to get the Freedom of Information Law, we are not trying to do anything, but we are going to go away and run and do this because it says: “If Privileges and Procedures Committee lodges this amendment in the next few weeks, it can be debated on 3rd May. If and to the extent the Bailiff determines that Standing Order 20(3) would apply to such a proposition, Members can be invited to raise such a Standing Order given the simple nature of the change.” Now, it has still got to go there: “Given the simple nature of the change, a request could be made that it is approved by the Privy Council at its July meeting. It therefore could come into force prior to 15th October.” The Privy Council are going to say: “Oh, that is Jersey.” They will just send us off pages of laws that they want changing urgent. I mean, we had this discussion around the Committee. Very rarely have we done this, but because it was for the election, because it will give a general election in 2014, we marked it urgent. Now, the Deputy of St. Mary said: “Do they really care in the U.K. what we do?” Well, one minute we are the most important thing since sliced bread, all the world’s eyes are on us. Now, does it really matter what the Privy Council...? I think it does, and I did say - I am probably unparliamentary - if you think that the Privy Council are going to, as the Chairman of the P.P.C. has said, put this down for May, which would get all the amendments in that everybody agreed to, would then say: “Oh, they have changed their mind: ‘No, I do not want all that.’ Can we change our agenda just because either it is the big Jersey, little Jersey or nobody cares what Jersey is doing?” I do not know, but it has never happened, and we have got a rear guard out there, which is absolutely adamant people who were not absolutely when they were in the House racing, you know, they were the ones that fell at the last fence in the National, there they go. No, they did not want Senators. It was Clothier and it was going to go ahead. Now, the Deputy of Grouville, she makes a good speech about why and what the Parishes should be doing. She made a very good speech in the last debate. The problem is the Parishes are not doing it and they are not going to change. Did any of the country Parishes or even my own Constable go to other Parish Assemblies on the rise in G.S.T. (Goods and Services Tax), which was fundamental, hit people in their own pockets? No, they did not. They know best. They voted with their own conscience, but they did not consult, and that is a big issue. They did not do that. I have got 2 people I am looking at - one is not looking - 2 people have supposedly put their name down for: “I want to be the next Chief Minister.” If you really think that the people out there want to retain the Senatorial, what they want more is in the say of an election

which will happen in 2014 who will be their Chief Minister, up in front. Now, the 2 people, if this did go through and we had 6, I think they should. I think one of them did, or maybe both, said on the platform: "If I wanted to be Chief Minister, I would stand down and be re-elected on that." Nobody is stopping them. You can always stand down, and apparently there is some law, it is only a little law, that you cannot be voted in again on the same day as the other 6, but now there are going to be 4, it might work. But apparently it would not have to go to Privy Council. We had a little brief discussion and my Chairman, I just quote this: "These comments are as if: 'Well, we did not like that. Would you order your children's toys a few days before Christmas on the internet?'" and I said: "No, it is worse than that. We have ordered the children's toys and now they are spoilt, do not even want them. They have said, 'No, Mum, I want to change my mind.'" Now, that is exactly what we are doing. I really think that we are showing ourselves, people out there, that it is self-interest. The only people that have complained, I have had not one parishioner of mine who has never been done out of a vote in many, many years in St. Helier - well, I do not know about St. Saviour, I have not had any - but I can understand where they are coming from, but that is not a good enough reason, and if we do not go to the all-day election, we do not start having the 4 years, where people can, as Senator Le Gresley said, stand up against that nice chap in St. Ouen or St. John or even Grouville and think you are not going to be in the Parish and go: "Oh, well, why were you standing against him?" because there will be more than one. Hopefully, next election in 2014, there will be 3 or 4 for each seat - we always have 7 - or even 2 or 3. Now, that is an election. That is democracy. What we are doing here is trying to rein back the tide so somebody, people who have said: "Oh, yes, I would like to be Minister" or: "I would like to be Chief Minister, but I really would need an Island-wide mandate." Well, why? Because it is proven, 2001 they were not even committee presidents, 2011 there are only 5 that are Ministers and very few that are Assistant Ministers. So it absolutely does not bear it out, but please do not believe that the Privy Council is just going to bend over backwards if we, the Privileges and Procedures Committee, can run away, do all the work, get a debate on 3rd May, and that is only if you all agree with it. I mean, there is nothing in writing, nothing in writing at all. It is like the Deputy of St. Mary says, I am very suspicious about why have we taken this first, because we had the 'jam tomorrow' in the last debate: "What we really need is an Electoral Commission. What we really need is an Electoral Commission." I cannot repeat it again, because it has been in Clothier that what we really need is an Electoral Commission, but if we get this, it is completely *status quo*, and out there I think it is more that people want to know and they want to know sooner rather than later who is going to be the Chief Minister. This will be the third time round that it will be an incumbent probably that has been in for 3 years and has not stood for the post and they are not going to take much more of that, I can assure you. I cannot agree with the Deputy of Grouville. I will say the Deputy of Grouville has been constant all the way through. She has put her point about the Island mandate, she did not support the bigger Parishes, and basically she said at the beginning of her speech: "We have moved a long way." We have moved to one-day election, but not even this time for everybody, in 11 years. Well, to me that is not a very long way. It might be a long way from St. Helier to Grouville, but it is not for me. So I am sorry, I respect the Deputy of Grouville very much, I think her sentiments are great. The comments from the others are misleading. They are saying the P.P.C. is misleading. In fact, I go so far as to say they are absolutely sitting there on a wing and a prayer and hoping that they can convince the people who are not sure: "Well, if I did change my mind." I just will add it is much easier if we go this route, we leave where we are with the Privy Council. If we have an Electoral Commission, if they did say: "You have done the worst thing you ever could, take away an Island-wide mandate" there is nothing to stop you reintroducing it. There are only 2 people this time, not 4, it is 2. It is easier this way round and it is about credibility. I do not care what the Deputy of St. Mary says or Senator Ozouf, who shook his head and said the U.K. do not care about us. Wait until there is a finance law he wants rushed through: my God, are they caring about us. Fair enough, they are looking at our fulfilment industry. Yes, he had to play ball. So do not tell me we are under the microscope and we are not. I am sorry, it has been quite a long speech, but we have not been cut down yet.

[17:15]

But please believe me, there is nothing coming back in May, to go in July with the Privy Council bending over backwards to do their little bit for little Jersey. They will think that we have absolutely lost our marbles.

The Deputy of St. Mary:

Could I have a point of clarification from the previous speaker? I hope she can enlighten me. A claim has been made that Senators in 2001 were not, by and large, presidents of the major committees. My memory tells me that presidents of major committees were Senators, and there is no data in Clothier, so I wonder if she has any data to substantiate that.

Deputy J.A. Martin:

It is on page 20 of P.3 and it is from the Clothier Report. It is not the case in 2001, and I was in the States then and I can agree with that. Many were Constables.

The Deputy Bailiff:

Correct.

4.1.9 The Deputy of St. John:

Yet again, we are on Government reform, and yet again, people out there who are making all the noise are people like the former Senator Horsfall on his soapbox. We are where we are because of him, and I said it earlier today, I have got the Clothier Report here, thanks to Deputy Pitman having it in her proposition, and under 3.72: "We received no convincing evidence that there was a significant difference between the nature and content of the Senator's role and that of the Deputy's. In an Island about 9 miles long and about 5 miles wide, with excellent communications, we found the distinction between Senators and Deputies less than plausible, and in practice there is little difference in the contributions to debates of either category of representatives. Nor can the Senators do anything which the Deputies cannot also do. They have no special privileges. Moreover, with one general election and the same tenure of office for all Members of the States, the distinction will become even less sustainable. In an Assembly intended to govern the whole Island, every topic of debate should be of Island-wide interest, not merely parochial and should be the concern of every Member, but it is sensible that each representative should have a constituency of voters whose opinions may more easily be sampled and judged over a small area than a large one, and of course a constituency gives easy access to representatives for every citizen with something to say." That is what Clothier said, and it is all well and good for these former States Members who are making all this noise, but they were the ones who brought this to the States without putting the meat on the bones, and that is what it says: "Get rid of the Senators." It is in there. It goes on and says something similar about the Connétables, but the Islanders decided to keep the Connétables, so they are out of the equation. So a Senator and a Deputy, and it is proved when you look at our Ministers - and it has been said there is only 5 of them who currently are Senators - we have got Connétables who are Ministers and we have got a good handful of Deputies who are doing an excellent job as Ministers, probably better than some of those Senators. There are a couple of Ministers in the front row there who are sitting together like twins who are doing an excellent job as Ministers, but this afternoon, in fact, today I have been noticing for the first time, with the exception of one Senator who is ill, we have got a whole host of Senators in the Chamber. Most of the time, they are not here. They are not here. The Deputies and the Connétables are around, but the Senators are out doing whatever, and they will just turn up for a vote. I noticed the previous debate, one Senator came in just for vote. Others have been in and out doing other things, I presume within their particular Ministries, but they are not all in the Chamber. This is where we are supposed to be when the House is sitting, in this building, not in buildings across the road, and they cannot be doing the work that is expected of them if they are over there and they are not taking part in the debates here, because they do not think the debate is worthy of them being present. I am

not sure which way I am going to vote on this one, but it would be wrong, it would be totally wrong for 3 times, to debate something 3 times, and I have even written down that can I put a proposition to rescind the decision made on P.26 on 3rd March 2011, because that is what I can see happening next. I can see yet again we will be debating this in a month's time, because whatever the Minister for Treasury does not like in this particular vote, if it goes against him, something else will come to this Chamber again to rescind today's decision. This is a mockery, a total mockery. We have got a House that is spending nothing but our time, as I said earlier in an earlier debate, looking at our navels. It is crazy. We have got items out there, the world is in turmoil, and what are we doing? We are looking at our navels. We need to get on with governing this Island. That is what we have been elected to do. I cannot believe that the Senators have persuaded the Deputy of Grouville to bring in a rescindment to this particular proposition. I think it is totally wrong that the group of people that I am looking at at the moment can do what they have done to try and persuade Members 3 times within as many months to debate the same item. It is absolutely ludicrous. Let us get on with governing this Island and doing what we have been elected to do, I will not say it again, but not keep on rehashing what we are doing.

4.1.10 The Deputy of St. Martin:

I proposed that we dealt with this matter today, because what I wanted was I wanted this proposition knocked on the head today, because what I did not want is for it to be put over for 2 more weeks and then the States were then being accused of using a device to stop the debate going forward. I am glad we are debating today, and I would hope that we will be opposing the proposition. I know the Deputy of Grouville sits next to me, but she knows my feelings. I have made it clear from the outset that I was not going to support it, and if I get a handbag across my head, I hope it will be a soft handbag. But the questions about the democratic process, I really am disappointed, and the Deputy of St. John was quite right to mention about the former States Members who suddenly have come up to light, I do not know if they really want to stand again or are quite happy to, but they might like to stand as a Senator, but there will only be 4 next time rather than 6. I am also disappointed with the *J.E.P. (Jersey Evening Post)*, the amount of support it has given for it. I wonder where they were? Where was the *J.E.P.* and where were the Senators when we were debating the issue?

Deputy M. Tadier:

I would suggest that they were all at Cyril Le Marquand House, having a cosy meeting.

The Deputy of St. Martin:

A democratic decision was made. I mentioned earlier that there was an opportunity for a referendum on the Senators way back in 2009, and the Senators themselves did not want it. It was rejected by the Senators. Then after that, we then had the debate in October 2010, almost 12 months after the refusal or rejection of the Senators, and a democratic decision was arrived at. I supported the P.P.C. proposition, and we have heard it again, we heard it again in January when we had this rigmarole: "Shall we have another opportunity now? We missed out the first time with the referendum. We did not realise the Deputy of St. Martin was really helping the Senators to make a decision" probably because it was me, but they turned it down. But again, a decision was taken, and the chairman of P.P.C. is not in the House, but I do think that the *J.E.P.* and others have been very unfair on criticising the chairman of P.P.C. She is doing her job on behalf of the States. It is a States decision and she is fulfilling her role and I think it is totally unfair that she should have been singled-out, and indeed P.P.C., they are doing their job. I think Deputy Martin has mentioned about the role of the Senator. She is right. In fact, just an example recently - this is what the Senators think of their own Senators - we had an opportunity, because Deputy Le Fondré was removed from his role, and Senator Ozouf had the ideal opportunity of promoting, or was it demoting, to someone being Assistant Minister, and did he choose one of the Senators at the back? No, he chose the Constable of St. Peter. A good man nevertheless, but he is not a Senator. So if we

are trying to push forward the importance of a Senator even for an Assistant Minister, why was a Senator not appointed? The same could be said for Senator Cohen. He replaced his Assistant Minister. He had an opportunity to give a Senator the role, again, a good man, no disappointment at all with Deputy of St. Peter, but again, if we are going to say how important the Senators are, why was it not a Senator? Of course, then we had the Chief Minister. He had the opportunity of replacing Deputy Power as the new Minister for Housing, and I can think of 2 or 3 Senators in the Senator's role who I would have thought could have done the job, but again, the Chief Minister chose to ignore the Senators. Again - he is looking, waiting for me - an excellent man in Deputy Green, a good man to appoint, but at the same time, the point I am making was if this esteem of the Senators is so important, why are they not given roles by the very Senators who are now fighting to stay in post? I am grateful for Deputy Le Claire, who was Senator and now he has been promoted again to Deputy, but he brought this proposition 26th February 2002, when the States had an opportunity, it says here: "The States rejected a proposition of Senator Paul Vincent Francis Le Claire that any constitutional changes to the role of Bailiff as President of the States or the position of Senators or Constables or Members of the States should not be implemented until and unless proposals or changes are made by way of a referendum." The States rejected that, and I was one of those who voted against, alongside, of course, the Chief Minister, who is the Chief Minister now, that is Senator Le Sueur. So no doubt I know Senator Le Sueur is going to support the proposition, but I would remind him, I know Senator Norman, who is now the Constable of St. Clement, also voted against, so the opportunity was there and it was not considered to be important. So here we are now, back again to are we going to go for supporting the proposition? Members, no, I am not. It is bad government, it is indecisive government and what message are we sending out? I would hope - it is now 5.30 p.m. - maybe we could knock this on the head way before 6.00 p.m., but I will not be supporting the proposition and I must disappoint the Deputy of Grouville.

Deputy M. Tadier:

Can I propose the adjournment? [Seconded]

The Bailiff:

The adjournment is proposed and seconded. Do Members wish to adjourn at this stage? The appel is called for and we will adjourn at this stage.

Deputy J.B. Fox:

Sorry, Sir, can I ask how many you have got on ...

The Bailiff:

I am sorry, let me correct that. The effect of the proposition is to close the meeting and the States will recommence in 2 weeks' time. That is the proposition.

Deputy J.B. Fox:

Sorry, Sir, could I ask how many people you have got on the list all wanting to speak?

The Bailiff:

I have nobody wishing to speak, so nobody yet to persuade the Deputy of St. John how he might vote. The proposition has been made to close the meeting and it has been seconded. Does anyone wish to speak on that or can we just take a vote on that? Take a vote. The appel is called for. I ask the Greffier to open the voting.

POUR: 22		CONTRE: 25		ABSTAIN: 1
Senator T.A. Le Sueur		Senator B.I. Le Marquand		Connétable of St. Mary
Senator P.F. Routier		Senator F. du H. Le Gresley		
Senator P.F.C. Ozouf		Connétable of St. Ouen		
Senator B.E. Shenton		Connétable of St. Helier		

Senator F.E. Cohen		Connétable of Grouville		
Senator J.L. Perchard		Connétable of St. Brelade		
Senator A. Breckon		Connétable of St. Peter		
Senator S.C. Ferguson		Deputy R.C. Duhamel (S)		
Senator A.J.H. Maclean		Deputy of St. Martin		
Connétable of Trinity		Deputy R.G. Le Hérissier (S)		
Connétable of St. Martin		Deputy J.B. Fox (H)		
Connétable of St. Saviour		Deputy J.A. Martin (H)		
Connétable of St. Clement		Deputy of St. Ouen		
Connétable of St. Lawrence		Deputy of Grouville		
Deputy G.P. Southern (H)		Deputy J.A. Hilton (H)		
Deputy of St. Peter		Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		Deputy K.C. Lewis (S)		
Deputy of St. John		Deputy of St. Mary		
Deputy M. Tadier (B)		Deputy T.M. Pitman (H)		
Deputy A.E. Jeune (B)		Deputy A.T. Dupré (C)		
Deputy J.M. Maçon (S)		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		

The Bailiff:

The proposition is defeated: 22 votes in favour, 25 against and one abstention. So the debate ...

Deputy M. Tadier:

Could I ask for the vote, and could I ask what would happen if the ones who voted against left, and left the other 25 to remain and continue the debate?

The Bailiff:

The debate now continues. Does any other Member wish to speak?

[17:30]

4.1.11 Deputy R.G. Le Hérissier:

I have received a few representations, and they have largely been against the position I took, and they certainly did reflect a high degree of dissatisfaction. I have replied to the people, whether they accept my reply, but just to give you a flavour, and unfortunately, it has a certain reference: “I find this completely undemocratic and playing into the hands of the chancers who can get elected to the States [and of course one of them is me] on the back of a few hundred votes and then spend their time asking nonsensical questions to justify their salaries. This Island needs more Members who think Island-wide and less who are bothered by the colour of properties in their Parish.” I have had a few on those lines, not phrased in quite that way, but largely in terms of the way that the Deputy of Grouville phrased it. My problem is I find it very strange that the argument has been: “We must keep the Senators, because they are the most democratic element.” How can we be proud of a legislature where only 12 out of 53 people appear to meet the test of being democratic? Surely we would want a legislature which is wholly democratic. One of the things, as the Deputy of St. Martin said, is the people who have had this sudden conversion to democracy, I do not recall them making these kinds of arguments. I do not recall them making these kinds of pro-democratic arguments. We did hear last time from Senator Cohen about the long and illustrious democratic history of the Jurats, and thanks to research that has been carried out - and I must commend Mr. Adrian Lee and the States Greffier, who embarked upon this research - it is interesting to note, and of course again I am a guilty party, of the Jurats’ elections in the 20th century, there were 41

elections, 28 were unopposed; in other words, 68 per cent were unopposed. It was quite interesting to read this letter in the *J.E.P.*, somebody cavilling against the demise of the term “Jurat”: “The word ‘Senator’ is derived from ‘senex, old man’. Are we so inarticulate or unpatriotic as to allow politicians to replace a word time-honoured and so closely associated with England and our Island by such a word as ‘Senator’? To what country do they owe allegiance? Who would implicate or engraft in our constitution a term foreign, without association and meaningless to Jersey men? Signed: Jersey Man.” Now, that was from the *J.E.P.* of 21st February 1948, but obviously in terms of government reform, it is just like yesterday, in terms of the pace of government reform. What worries me is I wish - because I have supported the Deputy of St. Mary and will support him - the Electoral Commission was being accepted with the enthusiasm that these converts to democracy suggest, because if you are going to apply a rational Electoral Commission, it is going to do things to Parish boundaries or it is going to combine Parishes, as the ill-fated super-constituencies attempted to do, it is going to have to do that. You cannot avoid that if you are going for equality of representation, and what are people going to do when these findings emerge? What are they going to do? They are going to kill them off, of that there is no doubt, and it will be as the Constable of St. Saviour mentioned in the previous debate, it will be a rerun, unless we can put in checks and balances which will allow the little baby of electoral reform to stay alive. But it is going to be a tough, tough uphill fight, and we have seen already how it can be done. So that is what worries me, if the Electoral Commission gets working - and it will - will it meet the same fate as Clothier? I feel I am between a rock and a hard place, because we know if we allow this to go through, and that there are very good arguments and I have received several, I suspect it will be the death knell of what little reform we have already put through. That is the real agenda, and that is what makes it very difficult for me. I have tried to argue to the people who have contacted me that the hope has to be that we have managed to open the door of reform. It is not very impressive, it is totally illogical in some ways, but we managed to open that door. Let us keep moving in that direction, because this is a not very subtle move to kill it off.

4.1.12 Deputy P.V.F. Le Claire:

It is interesting how we managed to construe what we think we have heard from the public and then try to interpret it in here and deliver it, and it certainly has not been a good example to date. The first reforms kicked off in relation to the Clothier Review in 1998, and people at that time, they were unhappy with a couple of things. First of all, they did not like the fact that people had 2 bites of the cherry. Now, I have been a Deputy, I have been a Senator. I stood again as a Senator and lost on a political party platform, because Ministerial governments have been introduced, and then I stood again, put myself forward as a Deputy, and people may say that was by the back door, but at every single time it was an election. I fought an election every single time and I topped the poll of the Deputy on the last 2 or 3 times I stood. So I did not even knock on that many doors or try to persuade that many people. I just took it on what I had been doing through the course of the year. The notion that an ordinary man or woman can come into this Assembly and put their views and the views of the community at equal arms with the wealthy of this community in a Senatorial election is just mind-bogglingly ridiculous. To have a forfeitable amount of money now, let alone the money that you need to run a Senatorial election, it is just beyond the possibilities of the ordinary people, so what we have now drawn up is the domain for the wealthy to get elected. This is what the vast majority of ordinary people that have got limited means, like myself. When I first printed my first leaflet, Senator Tomes had just died, and I ran a Senatorial by-election. I spent my last of my money. I did well, I appeared on the Senatorial list, I came in with a respectable second behind Deputy Dorey, and I then had no money left. I had to print my money on the library... **[Laughter]** Have I got parliamentary privilege? Sorry, I had to print ... I could just finish there. I had to print my literature in the library and I had to go and busk in the King Street for my money to print-off my leaflets, and every day I would busk for a few more pages and the kind lady at the library would help me put the money in, making sure I did not mess up the photocopying - the very lady who is sitting next to the Greffier of the States today - and I used to go with a bundle of papers

and I used to knock on the doors and I would put them through, and I said: “No more glossy promises” because I could not afford glossy promises; now I can. Glossy promises were what we got in P.179, because it is wrong to suggest that the ideas in Clothier were the ideas of the Policy and Resources Committee and Senator Horsfall. That is not correct. The ideas of Clothier were in the domain of the people within Clothier, including one of the eminent doctors, who has complained that we are robbing him of 4 votes. He was one of the panel that proposed that we were robbed of 12 Senators’ votes and 12 Constables’ votes, and it was Senator Horsfall and his Policy and Resources Committee of the day, under P.179, that brought forward a proposition that set out the way forward from the Clothier Review. I would urge all Members, if they ever get back into another reform debate - and certainly for the Deputy of St. Mary and Deputy Tadier and Deputy Hill, if they are interested - in relation to Electoral Commissions, this was on 20th November 2001. It was the springboard for the reason why I brought my proposition on a referendum. The reality is that people were not that fed up of people getting in by the back door. What they were saying was: “We are fed up of people walking into the Parish Halls and getting elected because they have got 10 prominent people in the community on their papers and there is no election because nobody would dare stand against them.” That is what they said, that is what they meant, and they certainly meant it when they said: “We want a general election.” What they wanted was they did not want *ad hoc* Constables elections all over the place, and they certainly did want a referendum on these issues, but they were denied one. When P.179 came forwards, we were moving from 24 committees down to 7 Ministries, 1 Minister, 2 Members. They grew to 10. If you look in P.179, within the report, it talks about the electorate and the public elections. In Chapter 11, it summarises the findings of the panel, among which were the items that they proposed at the time. They spoke about the abolition of the Senator. They spoke about the abolition of the role of the Constable as an *ex-officio* Member of the States Assembly. They spoke about an Electoral Commission to reassign the vacant seats among the Parishes, which was recommended at number 10: “The proposed changes to the arrangements for Senators and Constables will obviously have implications [they said] for the Assembly, not least in terms of the need to reallocate the seats that have become available.” This was all going on in 2001. The recent emergence of propositions in relation to Electoral Commissions - and I say this not to take the glory - was because in my speech, I implored the Minister for Treasury and Resources to get his hands out of all of the different areas he had them in in the other Ministers’ departments and get them on to something where he could bring something of value in terms of an Electoral Commission, which was identified in great detail in 2001. Now, this evening, for the reasons that the Deputy of St. Martin has made clear, we are debating this now. But this works fine for these people in this corner, because they do not want an Electoral Commission, and had they have wanted one, they would have gone about doing something from 2001, when it was clearly a recommendation from the Policy and Resources Committee, led by Senator Horsfall at the time, along with an Ombudsman, along with facilities for States Members and the media, along with representation in the Parishes and how the Parishes should engage more with the electorate. The Deputy of Grouville made play of that, as did Deputy Martin, on the contrary or the counter-argument in terms of G.S.T. It spoke at length in recommendation number 9 about a more formal structure in the Parish Assembly so people could have an idea and an understanding about what was going on in here, but they did not want to know once they got their Ministerial government in place, of course not. They also said that we needed to pay special attention to the Parish of St. Helier, probably because they were annoyed at the Constable of St. Helier for bringing in Hansard at the same time. Well done the Constable of St. Helier. They wanted to get in there and make sure that he was not pressuring them for the Parish rates from the States buildings that he has been on about for years. They spoke about an Ombudsman. They spoke about the financial and manpower implications. There were none, except the Electoral Commission, and this is the conclusion. This is where we are at: “The committee believes that the decision of the States on 28th September 2001 to move to a Ministerial system was of the greatest significance and it will result in a fundamental change to the Island’s system of government.” This was after significant

consultation, in their view: “The committee’s proposals in respect of the composition and election of the States Assembly, although being submitted separately for consideration by the States, are not in any way inconsistent with the decisions taken on 28th September. The proposals which are set out in this report and proposition should not be regarded as being of secondary importance. On the contrary, the committee’s proposals in respect of the Senators and Constables, in particular, would bring about [wait for it] the most important change to the composition of the States for over 50 years. These proposals, together with their various other recommendations will, in the Committee’s view, result in a States Assembly which is more representative, more transparent and more accountable to the public.” If you believe that, come with me to St. Clement tonight when the tide is down, I have got some land for you. They do not want to know. The only phone call I have had is to confirm the campaign that is being run by the *J.E.P.* and those that did not want to know about democracy when I brought the referendum proposal in 2002 to protect in perpetuity these positions, they did not want to know about it. The only phone call I got was from Mr. Farnham. That was the only phone call I have got. Now, I have tried. I was badgered and battered around the ears into changing my position, because I thought it was the most responsible thing to do, as I have said, when Senator Shenton brought the proposal to diminish the numbers by 4. P.179 spoke about reducing the numbers by 9, not 4. So what is more important? Is it more important that we give lip service to democracy or is it more important that we go down burning in flames because a newspaper wants to campaign about us getting out of office? In my view, democracy went the way of the dodo when the Ministerial government kicked-in. Now, I have been, until today, prepared to go with the will of the people and give them their constitution, until I see the manoeuvring that is going on this afternoon. Had the Council of Ministers been prepared to bring back a referendum in bullet points, yes or no? They speak about it in such difficulty, like it is trying to get a man to Mars.

[17:45]

Could we not have a referendum in relation to do the people want Senators? Could we not have a referendum in relation to do the people want Constables? Because the people know how to fill in the box: give them the pens, put up the banners, throw the Honorary Police outside and they will turn up, they will turn up, because they are dying to vote on whether we have Senators and they are dying to vote on whether we have Constables and they are dying to vote on whether or not we have less of us. In the meantime, what we have to do is we have to recognise we have no opportunity of restoring democracy in this Island unless we change the make-up of the covert political party that is running at the moment.

4.1.13 Deputy G.P. Southern:

I was particularly on this particular proposition expecting to hear fulsome - no, full - speeches from the Senators, who might have some sort of interest in preserving their status, but sadly, we are not to hear from them, it seems, and obviously we want to get to a vote so I will try and be brief. I wonder sometimes whether people, when they leave this Chamber on a Thursday once every fortnight or whatever it is, whether they have some sort of memory wipe, where they just forget about everything they have done for the past 3 days and come fresh the next time, prepared to do it again, because we are rehashing absolutely what we have done several times. To refresh people’s memory, we have agreed, as the States, that we will not go with revolutionary change to the constitution of the States, we will go in small steps, and that as we have decided to do that, when we look at the small steps we can make, can we have something that looks like a general election with everybody elected on the same day? We can, and we are working towards that. Can we reduce the numbers of the representatives in the States? Well, we can do that as well. How can we do that? Shall we remove some of the Constables? Manifestly absurd. Of course we would not do that. Shall we remove some of the Deputies? Well, we might do that, but it would mean a big shuffle round to make sure the representation stays proper and even and it is a difficult task to do. Can we, without any real great difficulty, remove some of the Senators? We decided that that is the

way forward. What are we doing here still debating it? Now, Deputy Wimberley, I must address this, because he keeps saying this, he keeps misrepresenting the way in which the MORI poll was presented, because yes, he is right when he says: “Out of my mandate, top of the poll, maximum score” followed closely by general election, and nobody said at the time: “You have one, then it is very difficult to get the other” that prior to having a general election where you can change your government, and that is why people want a general election, is that you have a single Member sitting in the States. While you preserve the Senators, while you preserve the position of the Constables, you are wasting your time in terms of a proper general election. That is the reality. Again, that was not presented. Now, it has been suggested today that we voted once on this in October, we voted once on this in January. In fact, I think we had 5 bites at it, October, and then it came along in January and we had something about a referendum from Senator Cohen, something - I forget what it was - from Senator Ferguson and then we got on to what we were going to do and reduce the numbers and we voted again. So one, 2, 3, 4, this time is the fifth time. Come on. I will just read you a list of names. There are 6 names on that list, and each one of them is an excellent candidate and an honourable man: Mr. Le Gresley, Mr. Perchard, Mr. Shenton, Mr. Gorst - did I say Mr. Cohen? I missed him almost - Mr. Cohen and Mr. Farnham, 6 names. Of course, none of those has a vested interest in how many Senators are up for election, of course not, but I point out for Members that there are 4 places currently available and those 6 names. No wonder we are receiving such intense lobbying from certain sectors. Thank you.

4.1.14 Senator P.F.C. Ozouf:

I should declare an interest. I have a friend who has 5 children. He is my best friend, and he also has 5 children, and I asked him why he had 5 children and he said that unless he did, unless his parents had not chosen to have another child after their fourth, he would not exist. My declaration is that I am a fifth Senatorial result candidate and this debate is about the restoration of 6 votes as opposed to 4. I say that because if Senators, if Members are looking at me curiously, if 6 Senators had not existed in the election that I stood, then I would not exist in this Assembly. If Members think back to the history of Senatorial elections in Jersey, neither would other Senators who have been important, or Ministers or Members of this Assembly in both sides of the Assembly over the years. That is why perhaps emotions on an Island-wide vote are highly charged. This is a delicate issue about Island-wide voting and the eventual make-up of the Assembly. I have been consistent in my votes on the Island-wide mandate in recent votes. My view is that we should not diminish the amount of Island-wide Members who are elected in the election this year before we reform the whole of the Assembly, and I repeat the words - and Deputy Le Claire made an emotional speech - my view is that we should have had an Electoral Commission, and I apologise, the Deputy of St. Mary brought forward a proposition. We are busy in our work in Ministry. Yes, I should have brought forward a proposal for an Electoral Commission and that was always my view. Some Members want 6 Senators to be elected for 6 years this year. I do not. I believe that we should be maintaining the 6 Senators in the election this year, but they should be confined for 3 years in order to allow for the constitutional reform that many Members on either side of this debate want. I believe that we can reform, and I am entirely at one on this debate, and that is what is good about this Assembly, I am entirely with the Deputy of St. Mary on this debate. We must reform. However, we also have to take the public with us. There has been a petition, and it has been spoken about, and I understand that there are at present - I do not know the number - in excess of 2,000 people who have signed this petition, and I think it has been going for about, I do not know how many it is, 3 weeks. It is clearly a serious issue for the public and this issue is, I believe, inevitably going to grow.

The Deputy of St. John:

One point of clarification from the speaker?

Senator P.F.C. Ozouf:

I am not giving way, Sir.

The Deputy of St. John:

Clarification from the speaker, Sir?

Senator P.F.C. Ozouf:

I am not giving way, Sir.

The Deputy of St. John:

He does not want to answer.

Senator P.F.C. Ozouf:

It is true that single-seat constituencies probably do feel more strongly about this. I accept that. I do not think that Senator Le Gresley's point about the fact that it is the single-seat residents of Trinity or St. Ouen's fault that they feel strongly that they want their Island-wide vote. They want their Island-wide vote. They want an Island-wide issue debate and they want their Island-wide Senators. I believe the way forward is to approve this proposition. I then believe the way forward is to relodge the revised legislation to achieve the key reform that is required to unblock constitutional reform, which is that the 6 Senators this year are elected for 3 years. There has been much talk about the fact that this proposition will block reform. I am afraid that I do not agree with that assessment. There is some confusion - an understandable confusion - and lack of understanding. I have learnt a lot about this issue about the Privy Council process. There is certainly an issue about Privy Council approval. There is an administrative problem in the time that it takes between this Assembly passing legislation and it being presented for the Privy Council for Royal assent. Legislation is taking too long; an issue for another day. I have been looking at over the last few days the dates which legislation over the last 10 years has been approved by this Assembly and brought into force by the Privy Council or given Royal Assent, and there is a real issue here, but that is an issue for another day. I believe that if legislation were to be passed by this Assembly in April or May, I believe that it is possible that the Privy Council could achieve approval of that legislation. It is not certain, but it is certainly possible, and indeed, the Constables amendment in 2008 was, I believe, passed by this Assembly in April and brought into force by the Privy Council in July and there is a Privy Council sitting in July. Perhaps the Attorney General would make some remarks, because I think there is a lot of misunderstanding, perhaps completely understandable, about the Privy Council process. There is no guarantee, but there is certainly track record and history in achieving Privy Council approval. I am happy to give way to the Chairman of P.P.C.

The Connétable of St. Mary:

Sorry, Sir, I was not asking to give way. I was just signalling you, Sir. I am sorry.

Senator P.F.C. Ozouf:

The P.P.C. guns are on their way. That is fine. The Privy Council approval of the Constables legislation, so that Members are aware, proves that this can be done. Yes, it is not easy, but it is required. I am not going to speak on this debate for a lot longer. There have been some strong speeches and probably there are going to be some even more strong speeches ahead. There are clearly some extremely strongly-held views on this issue in this Assembly. There are, I believe, very strong views held by the public. They do not want, in the majority, to see the numbers of Senators reduced. I believe that a mistake has been made, it was made, and I agree with absolutely democratic decisions of this Assembly's, but sometimes mistakes are made. I cannot help but point out that there have been 3 Senators, I think in the last vote, who voted against this, so 9 of the Senators who hold an Island-wide mandate feel very strongly against this issue. I think there were 3 Constables last time, that is a parochial view, and of course there were 22 Deputies that voted in favour of this. So I believe that one tinkers with democracy and the democratic arrangements of

the constitution very carefully. I believe that there does need to be an Electoral Commission for the whole of this Assembly. I believe that the public will speak quite loudly on this issue. The *J.E.P.*, I do not agree with their editorial line. They certainly give me an extremely hard time in relation to the things that I do, but their editorial line is interesting. I think it is reflective of the generality of public opinion. I think that Members of this Assembly are not thinking ahead to the elections later on this year, when there will be choices for Islanders at the ballot box and they will be asking why they have not got their 6 Senators. Most people are not involved in politics on the day-to-day basis that we are. I think there has, certainly in my experience, been quite a lot of lack of understanding of the decision that has been made. But there will be awareness of this issue, and there will be awareness of this issue in the coming months. I believe that a mistake has been made. I think that alternative proposals are absolutely possible in relation to dealing with this issue, and I believe that we should support the Deputy of Grouville in asking the Privy Council to withdraw Royal Assent of this legislation and replace it with legislation which can be evolutionary in terms of constitutional reform and not in the way that has been approved.

The Connétable of St. Brelade:

May I give notice under Standing Order 84 that in half an hour I intend to ask for the debate to be closed?

The Bailiff:

That is the notice the Connétable of St. Brelade has just given, and you are not able to do so because you have already spoken.

Senator J.L. Perchard:

I have seen several lights go on and I am aware that there are Members who wish to speak who have not yet indicated. It is 6.00 p.m. Is there any need to conclude this today and can we not carry it over in a more measured, unrushed fashion?

[18:00]

The Bailiff:

I will leave it to you to propose the closure of the meeting at any time, Senator.

Senator J.L. Perchard:

I do not wish to interrupt, I beg your pardon, Sir. Is there any need, Sir, for us to conclude this today? I suggest that there is not an urgency. People do not feel flustered and rushed. There is absolutely no reason to conclude it today. I put it to the Assembly, Sir - or I wish to put it to the Assembly - that we adjourn now and all have a proper consideration about this and come back in 2 weeks' time and conclude it formally.

The Bailiff:

Deputy Grouville, it is your proposition. Do you wish to say anything in relation to that?

The Deputy of Grouville:

This would mean it goes over to the 15th of March. I think that is too long a time to break. The Assembly voted not to come back tomorrow. I do not know what other suggestions the Senator has.

The Bailiff:

May I say from the Chair it would certainly have the effect that it would leave less time to take any other action which might flow from whatever the decision might be. Are you making a formal proposition?

Senator J.L. Perchard:

Yes, Sir. I would like to test the mood of the House and make that proposition.

The Bailiff:

Is that seconded? **[Seconded]**

Deputy M. Tadier:

Sir, can I ask a point of order? A proposition was made prior to Senator Perchard standing up. That should surely be taken first procedurally before we proceed to Senator Perchard's proposition.

The Bailiff:

No; notice of the closure motion was proposed ...

Deputy M. Tadier:

Okay. Sorry, if I make the point then. It seems strange to me that we have got a closure motion so we have got half an hour left, if we vote on it. The point is we have to vote on the closure motion first.

The Bailiff:

The motion has been put and seconded that we now close this meeting.

Deputy J.A. Martin:

Can I just speak on that quickly, Sir? I will push to stay because everyone had the chance to adjourn at 5.30 p.m. to do this. It is definitely not fair on the proposer who is making all the notes and the people who are speaking. I have already had to phone the proposer's son and my children to tell them that we are late and they will have to provide their own tea, but we are prepared to stay here until 8.00 p.m. It is very important and Senator Ozouf has just spoken and said maybe, if we get the Privy Council, and that is another 2 weeks. I do not think it is fair to anyone to hold it over. You all had the chance to go at 5.30 p.m. and you did not vote for it. So I am very sorry; you should stay here until we finish.

The Bailiff:

The issue as to whether we stay or not is a perfectly straightforward one. I do not think we should debate it. The appel is called for. The proposition is to close the meeting now, subject to any arrangements which the chairman of P.P.C. will propose for the next meeting but it will be to close the meeting now and the Greffier is asked to open the voting.

POUR: 9		CONTRE: 39		ABSTAIN: 0
Senator T.A. Le Sueur		Senator A. Breckon		
Senator P.F. Routier		Senator B.I. Le Marquand		
Senator P.F.C. Ozouf		Senator F.du H. Le Gresley		
Senator F.E. Cohen		Connétable of St. Ouen		
Senator J.L. Perchard		Connétable of St. Helier		
Senator S.C. Ferguson		Connétable of Trinity		
Senator A.J.H. Maclean		Connétable of Grouville		
Deputy of St. John		Connétable of St. Brelade		
Deputy A.E. Jeune (B)		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		

	Deputy R.G. Le Hérisssier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy J.A.N. Le Fondré (L)		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		
	Deputy K.C. Lewis (S)		
	Deputy M. Tadier (B)		
	Deputy of St. Mary		
	Deputy T.M. Pitman (H)		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy M.R. Higgins (H)		
	Deputy A.K.F. Green (H)		
	Deputy J.M. Maçon (S)		

4.1.15 Senator B.I. Le Marquand:

I rise to demonstrate that this is not a Council of Ministers proposition. I am the second member of the Council of Ministers to speak against the proposition. I am expecting at least one other subsequently. I do not want to go into all the issues again. I just want to make 2 points here. The first point that I want to make is that this proposition itself is seeking to set the most dreadful precedent, an absolutely dreadful precedent. If it were to go through, the precedent that would be set is that on any occasion on which people are dissatisfied with the terms of a law that is passed democratically by this Assembly, that they could bring such a proposition as this. What a dreadful proposition this is, a dreadful precedent. Are we going to have repeated repeats of debates in other matters if we set this precedent? We should knock this on the head and demonstrate that that will never be acceptable, no matter which side we might be on the individual matter. The second point that I want to make is wholly an arithmetical point. Yes, it is perfectly correct that, with this law going through, there will be 2 less Senators to vote for in 2011, but from 2014 onwards, those who wish to vote for more people at an election will have their wish because they will have 8 Senators to vote for at each general election thereafter. I rest my case. **[Approbation]**

4.1.16 Senator A. Breckon:

When I received this, I looked in the report to see if there was any substance about increasing or decreasing the number of Senators and I did not really find anything. I raise this because Ministers and many Senators cannot have it both ways, and that was in reference to Ministerial government and there was a few moans about Ministerial government and if anything is causing voter apathy it is the fact that only 10 decision makers are in this Government. The rest of us are lucky to be informed of those decisions before the media receives the information. That has got nothing to do with the number of anybody at all. Deputy Grouville also mentioned, I believe, this would disenfranchise the public even more. Senator Le Marquand has just said, the fact that I picked up is that at some time in the future, if we reject this, then people will be able to vote for 8 Senators. I want to touch on that because I think there is a public feeling - this could apply to me - that Senators in the second term of their office sometimes fall asleep at the wheel. If we ask perhaps Senator Le Sueur, Senator Perchard, Senator Shenton, Senator Le Main, who are in the second part

of their term, if they had been before the electorate fairly right now, what would the electorate have made of that, but they have not had that opportunity because we have had the 6-year term and that would apply to me. The second part, nobody said anything about that, and are the public content about Senators in their second term, and generally I think the answer is no, they are not. That applies, and it is not their fault, Senator Ozouf and Senator Le Marquand who are possible candidates for Chief Minister, they cannot do much about that at the moment, but then the public have expressed their disquiet probably to a greater extent than 2,000 people signing a petition. If they have, we have not seen it. I might ask the Deputy of Grouville if she is so keyed up about this petition, how many signatures she has got. What is her involvement with this petition? She mentioned about 2,500 to 3,000. Senator Ozouf has just said 2,000. If it is a petition before this House, where is it? It has not been presented. I mean, it could be fictitious, it is online, it is in the paper. We could have Mickey Mouse, Donald Duck. I do not know; I have not seen anything. These are the things that happen and it needs to be vetted by somebody to make sure that the signatures are appropriate. Deputy Martin mentioned something about the Parish of St. Saviour and if people are concerned about the consultation, where was it on G.S.T.? 19,000-odd signatures. Where was this House behind that? We have had just our report from the Corporate Services Panel. Again, this issue will be back. What is this really about then? I think Deputy Southern touched on this. If we look at the practicality, the reality of a Senatorial election in October and there is only 4 seats, to me - and I have been involved in watching elections for a long time - this starts to look a little bit crowded for 4 seats and that is what this is about. It is about it being very crowded for 4 successful candidates when there might be more who could and would fulfil a useful role in this House. Is that not the word that has been mentioned 99 times or more today? Democracy. Is that not good and healthy that we have people who have ability who are challenging for posts, and unfortunately some of them will not get elected but that is show business. That is how elections work. Now there are other places where they might not be contested and if people are that geed-up about wanting to get in here, then there are other ways. I do not know if this is true but there is a rumour that has gone around that there has not been an election for a Connétable in St. Ouen for 60 years. **[Laughter]** Now, if some of the candidates are of that calibre, and fine chap that he is, the Constable of St. Ouen, then he can say: "Bring it on. Bring it on." That is the way it should be, I would suggest. So there we are. There are some people who will rightly feel a little bit disenfranchised because, as Senator Le Gresley pointed out earlier, there has not been contested elections in some areas. It happened to me in St. Saviour - I think it was in 2002 - but there again was the nomination, it was advertised, people could stand, and that was the only time it happened. It has happened to Deputy Le Hérissier. It has happened to the Deputy of Grouville and it has happened to the Deputy of St. Ouen, but it is not their fault. They are there, and if people want to, they are quite able to stand against them. So I am not criticising them for being in that position but that is where we are. The other thing I would say to Members, I can remember the Clothier debate and I will say this about the Clothier debate and I would ask Members to be mindful of this. At the time, there was what I call the kitchen cabinet. There were certain Members who were running around putting pressure on people: "There is something in this for you with this Ministerial malarkey" and 3 of those Members who were pressurised into voting lost their seats and there was something in it, all the more right, but they lost their seats. **[Laughter]** The other thing that other people have touched on is the Electoral Commission and what it will do. I know what it will do. This House has the habit of ignoring it. Is it half full? Is it half empty? We could have a giant exercise that I do not think people will get energised over generally. The question is would you like less States Members. We know what the answer is for that. The question is who and it is about turkeys and Christmas and that is the common analogy. I voted for less Senators the last time, or the last twice or 3 times, whatever it was, and I did that for a reason. The reason was people could not then say to me: "Yes, well, you say that, but not you." So I thought: "I am in this position. If I stand again, I do not know, but if I do, then that is what it will be and I will take my chances." We know that we have had discussions about the Connétables. We have got the problems about Parishes, and the Deputy of Grouville said in her speech: "Parishes are

whole constituencies and should remain so.” So where does the Electoral Commission get in on that? There are issues with representation. If I am the Deputy of St. Saviour and it takes another Parish, what happens when I go to the Parish assembly?

[18:15]

I am disenfranchised; I cannot speak against a licensing application, I cannot propose officers in another Parish, and these things I mentioned years ago need to be overcome before you go across Parish boundaries because the Deputy, on a number of Parishes, would have no worries unless they lived somewhere in that Parish and that would not need to change. The other thing that the Deputy of Grouville said in her speech, Senators, 6 at a time, gives continuity. Of course, whichever way we do this, we are not going to have that any more because we have got a single election day. So whether it is 4, 6, 8, 12, whatever the permutation is, it is on the same day and that is what we said and we said that for a reason. Deputy Le Claire said this: standing in a Senatorial, not spend anything if you do not want to, there is publicity and people do that. It is their right to do that, and then they say: “I am not going to stand for Deputy.” Then they enjoyed the experience so much that they do stand for Deputy. That has been said and done and I do not have to name names. It has happened in this House. So that is where we are, but I have a concern really that ... this has come back fairly quickly. P.P.C. are between a rock and a hard place. They have had some difficulties anyway, bringing anything forward, and if we are going to reduce the membership of this House, we have to start somewhere. In that respect, I am the turkey that is early for Christmas, because that is where it is and I can understand other people’s position but I am also concerned, as I mentioned, that there is another motive behind this. There are people of a calibre who want to stand and with just 4 candidates in October, it looks very crowded. That, I think, is behind that and I think more things will develop depending who stands and what is said and what their track records are. That has to be good and healthy and then, if that happens in a few years’ time, there will be 8 candidates. So people who are saying they are not getting the choice, they will get 2 less this time, they will get 2 more the next time, and as Senator Le Marquand has pointed out, then it will be 8 or more or whatever, or if the Commission then decide to do something, but I do really have some serious doubts about that, about being a way out. I think we need to make some of these decisions, as uncomfortable as they may be. Thank you, Sir.

4.1.17 The Connétable of St. Mary:

I hope not to speak for too long. Much has already been said but there have been some points raised that I think need to be addressed and obviously my committee has had a chance to consider things in a factual way. I would like to respond further to the comments that were circulated by a number of Members about the amount of reform that could be brought back before the next elections. As P.P.C. has explained in its comments, the decision on the Deputy of Grouville’s proposition is not just about cancelling the decision to move from 12 Senators to 10 in this autumn’s election. It in fact cancels the whole reform package that we agreed in October and again a few weeks ago. It would be possible for something to come back, provided that the provisions of Standing Order 23 were lifted, and these are the provisions that we cannot debate a proposition in substantially the same terms as within the past 3 months. I do not think there is anything to say that that could not happen. The proposition would need to be made to the Assembly to suspend that Standing Order. Then the proposition could be lodged. Then obviously there would be the lodging period. That would perhaps bring a bit more of a problem, but if P.P.C. was to bring this back, it would be lodged for 6 weeks. Obviously the States can reduce the lodging period and the Standing Order 26(7) says: “States may reduce the minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.” A couple of things could be brought forward. We could try and reinstate the reforms that we have already had and in that case it would be up to Members to satisfy themselves whether something like an increase in term for Members fitted that bill or not. It has also been suggested that we can bring back a proposition that would give a shortened term for

Senators elected at the next election and transitional arrangements to allow all Senators to be elected at the same time at the 2014 elections. Even if all those things could happen, if all the ducks fell into place, there would not be any realistic certainty that anything proposed ... because we are talking probably the beginning of May before we could debate anything ... any realistic certainty that that would get through the Privy Council. I think what the committee will have to look at here is going towards an election, people need to be certain about what they are standing for and the terms that will ensue. A man off the street deciding perhaps he is going to go for a Senatorial election needs to know is he putting his job on hold and his life on hold, in fact, for 6 years or for 3 years. That makes a big difference and I think you need to make your plans early and you need to go through. This Assembly has a responsibility to make sure people know what is on the horizon, but I have an even more fundamental problem probably. Having talked with my committee, I think we are unanimous. I did not speak to one member who could not attend the meeting, but it would be very difficult for me to bring back something that could end up with 12 Senators being elected, being up for election on the same day in 2014. **[Approbation]** I have to say, because everything that P.P.C. said in its various debates leading up here, the reason that we proposed to the Assembly and the Assembly took this on board and adopted was that the legitimacy of the Senators elected in the 10th, 11th, 12th place would be really probably quite compromising. I think that would probably do more harm to the role of Senator than anything else because people, and we have seen statistically, across the Island do not use all their 6 votes at present. They find it hard to find 6 candidates they like. Finding 12 from a list that could be really quite long, we have all agreed, even Senator Ozouf in the debate earlier said: "I think there is another good reason why logic in supporting the maintenance 6 Senators", but if I may say to Senator Ferguson, rejecting 12 Senators in 2014. If voters are given the opportunity of 12 votes, I do not think they are going to use their 12 votes, just as they are not using their 6. The difficulty arises probably ... and this is a matter that I know has been discussed at P.P.C. and previous House Committees and other people that have looked at it, you do have a legitimacy issue when you get down to the people that are going to be elected in positions 10, 11 and 12.

Senator P.F.C. Ozouf:

Would the Constable give way?

The Connétable of St. Mary:

Yes.

Senator P.F.C. Ozouf:

I am not suggesting at all that this debate should result in 12 Senators. I do not agree with it. I think 8 is going to be difficult. I do not agree with that. If she is suggesting that this debate, I suggest 12 Senators, I am not saying that. I have never said it.

The Connétable of St. Mary:

That is exactly what I am saying. The Senator has said that he does not believe 12 Senators at one time will be effective. That is exactly what I am agreeing with. I am just reiterating his support for the fact that if we go to the general election, we need to move down the number of Senators. That is exactly what I just said. I am glad the Senator has reconfirmed that because unfortunately I do not have any confidence, especially what I have heard in the last couple of weeks, that this Assembly will bite the bullet and make that change before those elections. I think it is wrong to go in with the uncertainty that we will get to a position where we are in exactly that dilemma, that we are in a general election with 12 Senatorial positions up for grabs, as it were, because the Assembly, between now and then, in the next Assembly, has not taken that reform. It is wrong to assume that a future Assembly will do what we think they will do. Believe me, I know that, because in the last Assembly, the P.P.C. Committee came within about 4 or 5 votes of getting an amazingly major reform. I came back full of fire and enthusiasm after the elections with all the

people standing on the platforms saying how they were behind reform and the committee agreed with me. I was not chairman last time. The new committee agreed. We brought pretty much exactly the same reform and it was heavily defeated. I think now that is because when people come into this Assembly for the first time, they cannot believe that there is not a simple way to tackle reform. They really think that their eyes are the fresh eyes that are going to see it and so of course they want to look at it all again, which is why we have this continual turn of the spiral. So I think it would be unworkable and irresponsible to go forward and I would have great difficulty proposing that. Of course, Senator Ozouf was not alone with that. A lot of other Members felt the same. The Constable of St. Martin, the Constable of St. Brelade all said that even if we kept 6 Senators at this election, we needed to be sure we were going down to 8. That is the certainty that I do not think we can get to. So that, I think, will answer the question. There is no certainty that reform will get to Privy Council and even if it does, depending on the reform we go, there is no absolute certainty that it will lead us to the place where we seem to agree that we should be going. Just to say a couple of things about what has been said before, in the proposer's speech, she seemed to say that perhaps we have not been as open as we should have been about what the consequences of the reduction in Senators would be. I think that is fair to quote. When this proposition was lodged on 20th August last year, I made no secret of the fact that the Senatorial reduction was once again, as I think I put it, the main quandary, the main issue that we had to deal with. Then it was a consequence, it was a projection of trying to bring over the rest of the reforms. Everything we tried to do at P.P.C. had been rejected. We got to a stage when we first of all thought we were not going to have any more reform. Then we had questions start to come from Members. I think in May last year, Deputy Tadier asked were we going to be bringing back the 4-year term. When we looked at the 4-year term, it became obvious that the 4-year term could lead to other things. We were starting that spiral again. So we decided that the only thing to do, and I am on record as saying this: I believe we will get the 4-year term. I believe Members want the spring election. The Senators, as usual, are the sticking point. We need to either move forward or shelve this. I think what we need to do is give the States the tools they need, the building blocks, and let them decide how to assemble them and let them give P.P.C. the direction of what to bring to the States. We did that in October last year by an absolute majority. We had that endorsed and my committee was told: "Go away and do this, this, and this." My committee is very obedient. My committee came back with what it was told to do, with no bells and whistles, no changing. So I had no popular outcry. There were a couple of letters, a little bit of debate but people were not banging on my door. We had an in-principle decision but we had not passed the legislation. That was the time to really bring what we are doing today. That was the time to motivate. So P.P.C. brought back the draft legislation. We lodged it on 24th November. That was 2 months before it was debated. Again, ample time for people to get their ducks in a row for people to see what was happening. Again, I announced it, we made no secret of it. When we got close to the debate, and only very close to it, we got some peripheral propositions lodged. The first one to hold a referendum and that was robustly debated and it was ultimately defeated. Then we had another one to review the number of Deputies and their constituencies, which was not proposed for debate but which did lead to comments from P.P.C., and P.P.C. said several times that we acknowledged and we accepted that consideration needed to be given to the current allocation of Deputies. We were willing to undertake to begin the work on that immediately. So there is no question that that was not something we were not prepared to look at. Then we moved to the debate on the draft legislation. There were a number of amendments. In fact, the debate running order I think was one of the most complex that had been seen in recent years and it took us all quite a long time to work out what was going to happen.

[18:30]

There was one amendment in particular from Senator Ferguson which would have left the number of Senatorial seats unchanged and that was the extra time to review this, to make that decision, but I personally drew attention to the fact, when I spoke earlier about the referendum proposition to the Assembly, I said I did not recommend it but if Members were having any doubts about maintaining

6 Senators, if there was any trouble they were having in their mind, although I hoped they would support P.P.C. as we have been instructed by the House, there was the chance to do it; they should vote for Senator Ferguson's amendment. Senator Ferguson's amendment was not carried. I do not want to go on for too long. I know that it is difficult. Having debated this so many times, there is an awful lot of things that I can bring, but the thing I would like to say is the point of view that people have, is it not amazing how time changes things? Other Members have talked about what former States Members did at different times *et cetera*. I will not go into that. Clearly this is a contentious matter. There was a letter from a member of the Clothier panel that was in the media recently and it was sent to all States Members. In that letter, a couple of things were said, that the person felt disenfranchised that he would not be able to vote for as many Senators. The same recommendations that came out of that individual through the Clothier panel would have meant that under the current terms you would have been able to vote for just 2 M.S.J.s (Members of States of Jersey) out of, I think, 42 or 44 Members. That was to be done, I have to say, without a referendum. I just think that we take monumental decisions that affect people's lives all the time. That is what States Members are elected to do and we do not do all with a referendum. There are many people who have complained about the loss of the committee system. The move to the executive system was made without a referendum. It was a momentous step. Some people feel more disconnected from their government because of that than for other things. Yet nobody has said that was undemocratic. It was done in a due democratic process. I am not sure that I understand what makes it acceptable to reduce by 4 in one fell swoop, as was put in the amendment that we would keep our Senators at this election. P.P.C. proposed reducing by 2 and then 2 again. So we are only talking about the loss of 2 Senatorial seats at this time. What makes that undemocratic when it would be democratic, apparently, to consider it again and reduce all 4 of them at the next election. There is a petition, I understand. I know I have seen it because I have quite happily agreed it should be on display in the Parish Hall at St. Mary, as most other Constables have, because that is democratic. It is not a petition to the Privy Council, as has been said. It is a petition to the States of Jersey. But even if the petition was to be made to the Privy Council, the Privy Council has made it quite clear in the ... There has been a report by the Government on the review of the Ministry of Justice. I am just looking to see what it says. There has been a recent review of the Justice Select Committee's report and it says: "We agree with the committee's assessment of these issues. We respect of the right of the Crown Dependencies to self-determination and we agree that it would take a very serious circumstance indeed for the U.K. Government to contemplate overriding these powers. We do not see the need for multiple levels of intense scrutiny prior to Royal Assent for laws which are obviously of domestic application only." I could go on but I will not. There is ample evidence that the Privy Council believes that this Government is able to make its own decisions. Again, there is the talk that the States voting to reduce its own membership is undemocratic. We know that just recently the U.K. Government passed a Bill - it is now an Act, the Parliamentary Voting System and Constituencies Act - which reduced its seats from 650 to 600. Again, simply done by the Assembly on its own and the referendum that will result is nothing to do with that. Referendum is to do with the boundaries of the electoral district. This is not unprecedented. It is not necessarily undemocratic. I have so much more to say but really everybody has had enough. I would just like to say, regardless of the fact that Clothier itself said that the position of Senator was not required, that the roles undertaken in the Assembly by Senators was really no different to the roles undertaken by other Members, some of the things the Senators have done have been quite impressive. Senator Le Gresley has been in the House for just a few months and yet he has achieved a lot and, I think, especially this week. Is this more to do with the position he holds or the man that he is? **[Approbation]** There is one more thing I would like to say. P.179 of 2001, which effectively brought the machinery of Government reform recommended by Clothier. Of course, we have already heard, the role of the Senators should be abolished was recommendation 7. There were a lot of reasons quoted in the report that the Policy and Resources Committee put reiterating what was said in Clothier. The steering group was not of the same mind and the report said: "Although the majority of Members on the *ad hoc*

steering group were in favour of retaining the office of Senator, the Committee does not share this view and it agrees with the Clothier panel that the office of Senator has run its course and should be abolished. Clearly this is a contentious matter that can only be finally decided by the States Assembly.” The responsibility lies with us; it lies with us. One final thing: Deputy Southern did try and correct what the Deputy of St. Mary had said about the percentages on Island-wide mandate. The Island-wide mandate was 44 per cent to be all Members and 32 per cent, I think, to be retained in some form. We have not abolished the Island-wide mandate at all [**Approbation**] and 71 per cent voted for a general election.

The Connétable of St. Brelade:

Sir, I believe that 30 minutes has elapsed since I proposed the closure motion. Could it be put to Members?

The Deputy of St. Mary:

I just want to say that the previous speaker, whose speech I admired very much, inadvertently may have misled the House. I just wanted to make a comment about that, if I may.

The Deputy Bailiff:

I do not think you may, Deputy, because the closure motion has been proposed and the question for the Presiding Officer is whether or not it would be an abuse of the procedure of the States or an infringement of the rights of a minority. Eighteen Members have spoken so far and there are 3 Members who have given an indication that they wish to speak; that includes the Deputy of St. Mary although he has spoken already. In my view, it would not be an infringement of the rights of any minority and, therefore, it is up to the Members as to whether they wish to accept the closure proposal or not. Is the closure motion seconded? [**Seconded**] You ask for the appel? Then the closure motion is proposed and I ask the Greffier to open the voting.

POUR: 19		CONTRE: 29		ABSTAIN: 0
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator J.L. Perchard		Senator P.F.C. Ozouf		
Senator B.I. Le Marquand		Senator B.E. Shenton		
Senator F.du H. Le Gresley		Senator F.E. Cohen		
Connétable of St. Ouen		Senator A. Breckon		
Connétable of St. Helier		Senator S.C. Ferguson		
Connétable of Grouville		Senator A.J.H. Maclean		
Connétable of St. Brelade		Connétable of Trinity		
Connétable of St. Martin		Connétable of St. Clement		
Connétable of St. John		Connétable of St. Peter		
Connétable of St. Saviour		Connétable of St. Lawrence		
Connétable of St. Mary		Deputy R.C. Duhamel (S)		
Deputy J.A. Hilton (H)		Deputy of St. Martin		
Deputy J.A.N. Le Fondré (L)		Deputy R.G. Le Hérisssier (S)		
Deputy S.S.P.A. Power (B)		Deputy J.B. Fox (H)		
Deputy K.C. Lewis (S)		Deputy J.A. Martin (H)		
Deputy A.T. Dupré (C)		Deputy G.P. Southern (H)		
Deputy E.J. Noel (L)		Deputy of St. Ouen		
Deputy T.A. Vallois (S)		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy S. Pitman (H)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		

		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Deputy Bailiff:

We now return to the debate and I call on Senator Cohen.

4.1.18 Senator F.E. Cohen:

It will come as no surprise to Members that I fully support the Deputy of Grouville. I also fully support the principle, as Members will know, of a referendum on electoral reform and I fully support the principle of an Electoral Commission on electoral reform. I found the debate rather curious as the same arguments have been used to support diametrically opposing positions. Very often we hear one position taken in relation to Deputies being Ministers but today that has been used in a different context. There are some key points here and that is, whether it is 1,000, 2,000, 10,000 or 20,000, there are a number of Islanders who are angry about this change. In fact there are some who are furious. Other Members may not have been contacted by Islanders who are furious at these changes but I can tell Members that I have by a number. There are some facts that need to be clear. Firstly, the single election day is not at risk. The single election day was approved in June 2010 and will continue and the other reforms can be brought back if P.P.C. hurry and if Standing Orders are lifted and Standing Orders can be lifted to enable these measures to be implemented. So be in no doubt that the single election day is not at risk. There is no reputational risk whatsoever of an approach to the Privy Council in this respect and I will go on to cite reason why later in my relatively short speech. The Privy Council would undoubtedly prefer to see that we enact good democratic legislation, rather than bad undemocratic legislation. Any composition reform, in my view, must, at its core, improve democracy and the removal of the Island-wide mandate in part cannot, in my view, be regarded in any way as improving democracy. Furthermore, as I expressed in my referendum speech, I believe that no constitutional reform should be implemented without the courtesy of a referendum, albeit that I am generally against the principles of referenda on minor matters. This is a major matter and this affects the democratic balance of this Assembly. The other curious element of the original proposition that brought about this legislation is that it is directly counter to the MORI poll of only a few years ago. P.P.C. itself, in 2006, stated: “The findings of the MORI poll confirmed earlier anecdotal evidence that electors in Jersey consider that the current Island-wide mandate is important. This is undoubtedly an indication that many electors consider that all voters have the ability to influence the election of certain Members and it is important to remember that 72 per cent of the respondents to the MORI poll thought that the primary responsibility of Members was running the Island as a whole and representing all the people of Jersey, rather than parochial matters.” It is also curious that - and this is no disrespect to P.P.C. and I have great respect for the chairman and for the members of P.P.C., but they are part of a continuity - in 2006 P.P.C. stated: “P.P.C. believes that the Island-wide mandate is a feature of the electoral system that should, if possible, be retained.” In 2009 P.P.C. went on to say: “P.P.C. does not believe that tinkering with a 3-category Assembly, for example by reducing the number of Senators, would overcome these problems. If the position of Senator has the benefits that some perceive it, it is reasonable to suggest that there should be at least 12 Senators.” That was P.P.C. in 2009 and there seems to be an extraordinary change of heart. It is my view that the reduction of States Members, if it is to be implemented, should not be implemented piecemeal but it should be implemented holistically. It seems entirely illogical to me that one starts a reduction of the number of Members of this House with a reduction of the most democratically elected Members. That seems, tautologically, rather curious to me. The principle of electing 12 Members by Island-wide franchise is many centuries old and it was initially represented by Jurats and, since 1948, by Senators. I am interested in the comments of Deputy Le Hérisier who seems to have been locked away in a conclave trying to disprove my précis of

Charles Duret Aubin's paper. The Deputy is, as other Members will know, an academic and academics dislike having their history disproved. The fact is that Islanders were able to elect Jurats on an Island-wide basis and, despite the fact that the majority of elections for Jurats were uncontested, there was the opportunity of election and indeed I think 12 or 13 were elected in contested elections.

[18:45]

Deputy R.G. Le Hérisier:

Would the speaker accept that most of the electorate consisted of male property owners until fairly recently in the 20th century?

Senator F.E. Cohen:

As the Deputy knows, I have already made it clear that from the earliest times the extent of the popular franchise did increase and by the time of the codification of Jersey Law in 1771 indeed the Island was approaching what we consider now to be popular franchise. The Privy Council ... **[Interruption]** I said "approaching". **[Laughter]** I was most careful in the terminology I used. The most important thing is that, however the restrictions were implemented - and there are still restrictions on who, as residents in the Island, are able to vote; not everyone is able to vote - it was an Island-wide franchise and that is the important issue. The Privy Council Commission had, in 1946, specifically recommended the creation of 12 Senators as a direct replacement for Jurats to ensure specifically the separation of legislature and the judicial functions. As the Senators were established by a Privy Council Commission under Viscount Samuels, the Privy Council are hardly going to be critical of a rescindment motion to affect the retention of the Senators that they themselves created in their report of 1946. However, this is not new. In 1976 the States asked the Privy Council to rescind an election law modification that had been passed in 1975 and it was because the Home Office had pointed out that the initial law was flawed. This is nothing new. The Privy Council have done it before and, in terms of the other jurisdictions for which the Privy Council is responsible, they have also done it on a number of other occasions. The reduction of the number of Senators succeeded largely because of votes of Deputies. I fully understand that. But that is why there is a case of each of the classes of Members being accused of either not voting for Christmas or self-preservation and that is why it is so important that changes of this type are put to the public vote in the form of a referendum and, if possible, that the changes are brought about by a body external to ourselves, being an Electoral Commission. In my view, it is far better not to rush. It is better to accept that a mistake was made and to vote to rescind the States decision.

Senator B.E. Shenton:

Sir, could I propose the adjournment?

The Deputy Bailiff:

You are not proposing the adjournment. You would be proposing the States close, Senator. If I may say so, I am in the hands of Members but we are nearly through this debate. We have had a vote already twice on the question of whether or not we should close. If you really wish to propose it and if it is seconded we will put it to Members. **[Aside]** **[Laughter]** Does any Member wish to speak on that?

Deputy M. Tadier:

Briefly, Sir; first of all just to ask how many Members remain to speak so that we can make an informed decision. I will notify Members that I am going to speak but I will keep it very brief. It should not be more than 5 to 10 minutes maximum; probably 5.

The Deputy Bailiff:

We have 2 Members so far.

Senator A.J.H. Maclean:

Sir, I will be speaking and I have got a feeling I have got a Deputy Le Claire speech coming which could be quite long.

Senator J.L. Perchard:

I will reserve the right to speak.

The Deputy Bailiff:

We have 4 Members or 5 Members who may wish to speak and in another 15 minutes someone may give notice for the closure motion. So the proposal has been made to close the debate. Deputy of Grouville, do you wish to say anything about it?

The Deputy of Grouville:

I have no idea. When is Senator Shenton proposing to finish the debate?

The Deputy Bailiff:

It would be held over for 2 weeks until the next States sitting.

Deputy J.A. Martin:

Sorry, Sir, did I not make it quite ... I said if we are going to vote now we are going to sit to the end and finish this and I thought that is what everybody voted on last time. [Approbation] Just because people are now fed up and they want to go home, I am sorry; it is not fair to anybody to hold this over for 2 weeks. I am sorry; I thought we had already decided this.

The Deputy Bailiff:

Deputy, it is a procedural matter and the Senator is able to bring the proposition again. The Chair has already indicated some sympathy with the view you have just expressed but it is a matter for the Members.

The Deputy of St. Mary:

Sir, I do have a point of order, I am afraid, on this proposal. I think there is a Standing Order which says that you cannot do anything which has the effect of making the result of the proposition impossible to carry out. There is some Standing Order to that effect which would cover this, because the delay of 2 weeks might make it difficult to do the consequential things that P.P.C. are being asked to do. I am fairly sure there is a Standing Order that says that.

The Deputy Bailiff:

Are you considering the reference back, Deputy?

The Deputy of St. Mary:

The fact that this involves a 2-week delay, Sir, and I am pretty sure there is a Standing Order that says that we cannot do procedural things which make it that the proposition just cannot be enacted or done.

The Deputy Bailiff:

Neither the Greffier nor I can identify the Standing Order to which you refer so the point you have made is one that Members can take into account when they decide how to vote on the proposition. The proposition is made that we close the meeting now. Do you ask for the appel? I ask the Greffier to open the voting.

POUR: 10		CONTRE: 38		ABSTAIN: 0
Senator T.A. Le Sueur		Senator P.F.C. Ozouf		
Senator P.F. Routier		Senator A. Breckon		

Senator B.E. Shenton		Senator B.I. Le Marquand		
Senator F.E. Cohen		Senator F. du H. Le Gresley		
Senator J.L. Perchard		Connétable of St. Ouen		
Senator S.C. Ferguson		Connétable of St. Helier		
Senator A.J.H. Maclean		Connétable of Trinity		
Connétable of Grouville		Connétable of St. Brelade		
Deputy A.E. Jeune (B)		Connétable of St. Martin		
Deputy T.A. Vallois (S)		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérissier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

4.1.19 Deputy M. Tadier:

Desperate times require desperate measures and I was talking to somebody at lunchtime and it seems clear that this Government is losing its grip not only on sanity but on their whole stranglehold that they have had on the Assembly for such a long time. I mean this is the bottom line, is it not, if we are all honest? We have heard Senator Maclean saying that he feels that he has got a Deputy Le Claire speech coming on, even though earlier he voted to restrict every Member's right to 15 minutes. **[Approbation]** So I would hope that Senator Maclean, if he does give a speech, would at least keep it to 15 minutes, as I plan to do. I will keep it fairly brief but I want to try and deconstruct some of the myths that I think have been put forward. We have had this idea put forward first of all by the Deputy of Grouville and I respect her position and her as a person but I think she is flawed. We have had the position which ... **[Laughter]** Sorry, indeed I think her argument is flawed. She is clearly not flawed. In fact I will be floored by her, I am sure, if I carry on in this vein. **[Laughter]** We have this myth being perpetuated in the media, it would seem, by the editorials that we see in the *J.E.P.* and by one individual. I can mention his name, Mr. Farnham, because I think he is a public figure. He has put his name out for candidacy and if that is not correct I am sure it can be scrubbed out. But the point is they are saying that it is undemocratic

to reduce these 6 seats to 4, not because he is standing for election but because there were other reasons. I would say it is quite the opposite and I will give 3 reasons that it is undemocratic to change this decision. For the following 3 reasons it is undemocratic to go back from 4 to 6 seats. The first one has already been quite well covered. We have debated this. We are debating it now for the third time. We have debated 2 peripheral issues, which were essentially the same thing, which were to try and rescind the decision from 6 to 4. I have the same concern to how it looks. We are petitioning the Privy Council. Where do we stop here? Do I petition the Privy Council because I do not agree with G.S.T.? Am I allowed to write a proposition that asks the States to lobby the Privy Council to say that we want to rescind G.S.T.? I could do that, I suppose, but that is bizarre. It undermines our autonomy as an Island. It also makes us look very stupid. The other reason that it is undemocratic is that there has been a desire announced by the public to reduce the number of States Members. That is quite a clear and strong message. It was borne out in the MORI poll. It is borne out, certainly, by the people to whom I speak and I think by what other Members say. Now, that does not mean it is the correct decision but I think there is certainly a strong democratic and public drive to reduce the number of States Members. Whether it is by 4 or whether it is by 9 is a different matter, but I think that is the case. If we are going to go down that road you cannot change the numbers by looking at Deputies and looking at Constables. The Senators is the only fair way to reduce the numbers because it affects everybody. I know that is an argument which is being put forward by the proponents of this proposition but it is the only fair way. If we are going to reduce the Assembly you cannot take somebody's Deputy away. You cannot take away 4 of the Constables. That would be completely ridiculous and they would be disenfranchised in that Parish. The issue that seems to be underlying the problem is not the fact that there is some kind of supernatural or mystical attachment to the Senators. I think Senator Ozouf put his finger on it. It is the single-seat constituencies for Deputies and, of course, there is only a single seat for Constables. It is clear that in places like, not just Trinity, St. Saviour ... there is one in St. Brelade even. Of course, those who can only vote in an election for Senator are going to feel particularly strongly about the fact that the number of States Members they can vote for is reduced from 6 to 4. But the problem is, if we go to that logic, if we just simply judge it on the fact of how many States Members you can vote for is the litmus test for democracy, that means places like the U.K. are completely undemocratic. In the U.K. you can only vote for one M.P. (Member of Parliament) and that is out of a population of 60 million-odd or more and that is in a House which has 650 Members. So if we use the same logic, you can only have the influence of one Member in a House of 650. Of course, they have parties; it is a different system. What I am saying is that if we are going to be serious about addressing democracy we need to do it holistically. It is not about numbers. It does not matter whether you vote for one Senator, 10 Senators or 3 Senators. If you have not got any control over the policy direction in the States then you do not have any meaningful democracy. I have not heard any of the proponents, perhaps with the exception of the Deputy of Grouville - but certainly the Senators that are coming forward with it and Mr. Farnham - clamouring to have any democratic change. In fact I spoke to some of the Senators and they do not want any change at all. They have said: "We are quite happy with the way things are." The other point is the general election day. That is what people want democratically and quite clearly under Senator Ozouf's model it is going to be problematic if we are not going to have 12 Senators or keeping all the Senators and having a single election date. So we are going to have to have this remnant of Senators who are brought over. The bottom line is the public are absolutely sick that they cannot vote for Chief Minister but they also cannot have any meaningful say in who becomes the Chief Minister because they are always appointed from someone who was elected 3 years ago. That is why P.P.C. have acknowledged that and this is why, under our system, in 2014 all States Members will be elected at the same time and so at least the public, without voting for Chief Minister directly, will be able to vote for the person who eventually becomes Chief Minister. The other reason it is undemocratic is because it is clearly not so democratic when you have the fifth and sixth place seats. I mentioned this last time. If you have 4 seats it is quite likely that the people who get elected, one to 4, have got a pretty strong mandate. When you get down to fifth and sixth,

under the first-past-the-post system it becomes more of a lottery. I will quote something from the electoral reform organisation in the U.K. about first-past-the-post and I think this hits the nail on the head. There are several reasons it gives for arguments against first-past-the-post.

[19:00]

There are several for it as well but most of them relate to party politics, so they will not apply in Jersey. One of them is that, for example, in the U.K. George Galloway polled the votes of only 18.4 per cent of his constituents, yet he ended up in the House of Commons: "First-past-the-post rewards organised minorities. It deals ineffectively with the most disliked parties or individuals and it ignores the views that do not look like changing at the polls." So the issue here is that it is very difficult, under our system for Senator, for somebody to vote against somebody. It is very difficult for a member of the public to prioritise their votes. So I do not see anything that is going to make the Senatorial elections more democratic. No doubt the Deputy might say that can come later on but certainly under the current system the fifth and sixth positions are not particularly democratic at all. We can see people who may be hated by 65 per cent of the population can get elected on a 35 per cent vote and there is no way for the public to make a meaningful way for that not to happen. I am mindful of what I said earlier. I will try and finish on a positive note as I think most of the arguments have been made. Earlier Deputy Le Claire mentioned that democracy was going the way of the dodo. I hope not. I think that by debating this we are opening ourselves up to derision. I would prefer to think of democracy as a phoenix. I think that we are, quite frankly, in a position, and P.P.C. are aware of it, where democracy is in a pretty bad state. It is in ashes but I would hope that that phoenix could rise from the ashes. We need to hold our course. I think we have made decisions. The Assembly has proven itself to be incapable of wholesale reform. I will say in closing up, I have had one representation from a constituent who said that they wanted to keep the Senators at 6. I have had one posting on Facebook about that. I immediately phoned the person up who sent me the email, my constituent, and his underlying problem was the lack of democracy in the system. He said that his problems were really with the seats where there were not contested elections. He said that is unhealthy. He really was in favour of super-constituencies. He wants to have a choice for all the people he elects; a decent choice and a decent calibre of States Member. Clearly we have tried that. It has not worked and this is, I think, all we have left on the way to incremental change.

Connétable G.F. Butcher of St. John:

Sir, if permissible, am I able to give notice of closure motion in 30 minutes?

The Deputy Bailiff:

You can give notice although the closure motion cannot be put until 7.38 p.m.

Connétable G.F. Butcher of St. John:

That is fine, Sir. It might focus somebody's attention.

4.1.20 Connétable D.W. Mezbourian of St. Lawrence:

I am sure I am not the only Member here who has just probably lost the will to live and I am sure I am not the only Member who has already made up their mind which way they are going to vote on this proposition. Nevertheless, I choose to exercise my right to speak, particularly as I am one of the signatories to the proposition. I am acutely aware that the reform decisions taken in October, which include a reduction in the number of Senators, were democratically reached. However, I agreed to support this proposal because I believe the decision to reduce the Island-wide mandate was an erosion of our democracy and a mistake has been made. I am concerned for 2 reasons. First, I believe that the reasoning by P.P.C. to propose a reduction in the Island-wide mandate was illogical. Secondly, and Senator Cohen has alluded to this, P.P.C. had clearly undertaken to hold a referendum on electoral reform following a States' decision on that reform. The P.P.C. of the previous Assembly presented a report in December 2006 entitled *Composition and Election of the*

States Assembly: Options for Change. It contained the results of a MORI poll they had commissioned and which had been undertaken that summer. In their report they told us: "P.P.C., in common with many others, is extremely concerned by the current low turnout in election to the States." This was cited as one of the reasons of the need for change and why P.P.C. were convinced that some reform of the composition and election of the States Assembly was appropriate. In support of their extreme concern at low voter turnout they gave summary tables of the percentage turnout for Senatorial and Deputorial elections in 2002 and 2005. In both cases the overall Island average turnout was greater for the Senatorial than the Deputorial elections. Their initial assessment of a need for change was, in addition to other reasons, that the relatively frequent nature of elections in Jersey may lead to a form of election fatigue and, consequently, lower turnouts. Yet, supported by their own statistics, the higher turnouts in the previous 2 elections had been for the Senatorial seats. They went on to explain that, in addition to the frequency of elections, concern had been expressed about the imbalance in representation, particularly in relation to the Deputies' seats. As we know and as they confirmed in their report, changes in population have not been reflected in the allocation of seats; this remaining unchanged for years. Based on the 2001 census the imbalance is clear, particularly if the Constable is counted as part of the Parish representation. Two themes were clearly emerging in their findings. First, although they told us we have low voter turnout, the Senatorial elections produced a higher Island-wide percentage of voters than did the Deputorials. Secondly, changes in population had not been reflected in the allocation of seats. One of the MORI poll findings showed that 92 per cent of respondents were very or fairly interested in Island affairs. According to MORI, this is significantly higher than U.K. comparisons. They told us: "Interest in Island affairs, if effectively harnessed, could lead to wider participation and should be seen as an opportunity for greater democratic involvement." In response, P.P.C. told us: "P.P.C. believes it is essential to take steps to harness this enthusiasm." So they brought forward a proposition to reduce the Island-wide mandate. It was illogical. They focused in their report on the 4 key findings of the MORI poll. First, over half of the respondents believed the Parish Constables should remain as States Members. Secondly, a large number of respondents believed that the Island-wide mandate was important. Indeed, we were told that 46 per cent of respondents thought that all Members should be elected on an Island-wide basis; to which, in the words of P.P.C., we can add: "32 per cent who believe that some Members should continue to be elected for the whole Island." So they brought forward a proposition to reduce the Island-wide mandate. Again, I say it was illogical and I remind Members of my earlier concerns at what I believe was illogical and ill-defined reasoning behind their decision to propose a reduction to the Island-wide mandate. The third key finding in this report was that there was strong support for a general election and the fourth was a significant number of respondents felt that the number of Members should be reduced. Having explained these 4 findings, P.P.C. then told us, as Senator Cohen has confirmed: "The findings of the MORI poll confirmed earlier anecdotal evidence that electors in Jersey considered that the current Island-wide mandate is important. This is undoubtedly an indication that many electors consider that it is important that all voters have the ability to influence the election of certain Members." So, I say again, they brought forward a proposition to reduce the Island-wide mandate. Having undertaken in that report to consult with the public, P.P.C. distributed a leaflet to every household to inform of the States' next steps and held 3 public meetings in January and February 2007; also commissioning a second MORI poll relating to their proposed options. We were presented with their findings in March 2007 in a report entitled *Survey on Electoral Reform in Jersey*. Option 1 had emerged as the favoured way forward for electoral reform in the Island. Option 1 was fewer States Members and a general election day. Thirty Members would be elected Island-wide, as Senators are at present, and the 12 Parish Constables would remain in the States. All Members would be elected on a single general election day every 4 years. There would, therefore, be no Deputies anymore; but we would have 30 Members elected Island-wide, rather than the 12 at present. With the 12 Constables, there would be a total of 42 Members, 11 fewer than at present. Remember, this was the finding in the survey on electoral reform in Jersey when the public had been consulted and it was clear that Option 1 had

emerged as the favoured way forward. They were proposing that we would have 30 Members elected Island-wide. It found favour with the general public. So P.P.C. brought forward a proposition to reduce the Island-wide mandate. It was illogical. In 2006 we had been told, in the *Options for Change Report*, that P.P.C. intended to ask the States to decide on one preferred way forward, after which they would ask the States to agree that the matter should go to the electorate in a referendum to ascertain the level of public support for the proposed way forward before changes are implemented. In P.72 of 2009, Composition and election of the States' revised structure, we were asked to agree that the proposed reforms should be submitted to the electorate in a referendum to be held as soon as practicable and they should not be pursued unless supported by a majority of those voting in the referendum. We were told in their report: "P.P.C. believes that the reform of the States is a matter that affects Islanders in such a fundamental way that any reform proposals should be put to the electorate in a referendum before being implemented. A referendum would be the only official way to test public opinion on these important issues." These are P.P.C.'s words: "It is difficult to see what more important issue there could be to justify the holding of a referendum than the composition of the Assembly. P.P.C. has, therefore, included the requirement for a referendum in this proposition. The result of the referendum will be the deciding factor on whether or not reform takes place." The words of P.P.C. Time and time again, P.P.C. gave the public a legitimate expectation to be consulted. I ask myself why P.P.C. did not then include the requirement for a referendum in the reform debate in October under P.118. My conclusion is that they knew their proposals to reduce the Island-wide mandate would not find favour with the public in a referendum. Reference to P.118 prompts me to raise some of the comments aired during that debate and Deputy Trevor Pitman told us he did not think P.P.C. had justified why they proposed reducing the Island-wide mandate by 4.

[19:15]

The chairman of P.P.C. told us: "I am naturally quite a cautious person and maybe that is some of what came over in committee discussions and why we set it at 4 Members." Upon reflection, perhaps Members will agree with me that such an explanation is not a valid reason to propose reducing the Island-wide mandate by 4 seats. We have debated today the proposal by Deputy Shona Pitman in which she called for a referendum to implement the remaining Clothier recommendations. She asserted that the way to put an end to the unsatisfactory reform situation in which we find ourselves was to let the public decide. Her call to let the public decide was narrowly defeated. However, her argument propounded that of P.P.C. in their constitutional reform document from 2006, until P.118 of 2010. In P.118 last October, as I have already said, the proposal for a referendum to approve any agreed reforms before their implementation was omitted. Again I say that from 2006 States Members and the public had the legitimate expectation to face a referendum to agree proposed constitutional reform. I repeat P.P.C.'s words of 2009: "The reform of the States is a matter that affects Islanders in such a fundamental way that any reform proposals should be put to the electorate in a referendum before being implemented. The result of the referendum will be the deciding factor on whether or not reform takes place." I say again that the public and States Members had the legitimate right to respond to a referendum following the States' decision on P.118 in October of last year. They had been told by P.P.C. since 2006 that they would be asked to endorse or otherwise the reform decisions made by this Assembly. I believe that we must recognise that there has been an oversight by P.P.C. in not bringing forward the referendum that they had guaranteed. Consequently we have undertaken reform without the endorsement of the public; without the endorsement of the public. Today is our opportunity, an opportunity we must take, to right that wrong. We must reverse the infringement of the right of the electorate. There is an irony, I think, to the timing of our decision to reduce the Island-wide mandate; our decision to incrementally disenfranchise our electorate. At a time when revolutions have been taking place to overcome repression in the Middle East to gain democratic rights denied this Assembly chose to reduce the democratic right of our electors to influence the way in which this Island is run. Let us show today that we do listen to the public. Let us show that we recognise their right to endorse our

decision, a view expressed over the years by P.P.C. Let us support that view expressed by P.P.C. Let us reinstate the democratic right of our electorate to retain the Island-wide mandate as it is. In closing and in asking Members to support this proposition, I remind them of other words given to us by P.P.C. and I ask Members to consider this before they vote: "P.P.C. believes that caution must be taken before rushing into significant change which might have unforeseen consequences for the Government of Jersey. There are few more significant decisions that the States will have to take in the next few years and the Island's future depends on getting its decision right." Thank you.

4.1.21 Deputy E.J. Noel of St. Lawrence:

I am not against a reduction in Senators *per se*. I am, however, against doing so without first asking Islanders. We should put the horse before the cart and we should have an Electoral Commission before we carry out any reduction in the number of Senators. We have made an error of judgment. Let us grasp this window of opportunity to correct that error. Earlier this week this House enforced a promise a former Council of Ministers made. Tonight we should enforce a promise a former P.P.C. Committee made. We should not reduce the Island-wide mandate without a referendum.

4.1.22 Senator A.J.H. Maclean:

I would just like to correct one inaccuracy that occurred earlier on from Deputy Tadier before he leaves, which I see he is doing. Just to let him know that I did not vote to support the 15 minutes. I voted for (a) and (c), just to clarify that point. He can withdraw his comment at another point if he wishes. Over here on the Senatorial Benches I have to say that it feels a little like Custer must have felt at the Little Big Horn. **[Laughter]** It is quite simply a numbers game. There are 12 of us; 3 have gone native with feathers in their hair. **[Laughter]** So if I was a gambling man I would not be feeling very positive at the moment. In reality, it is late in the evening; we have heard some excellent speeches. I think the speech from Senator Cohen gave some very interesting and useful background. It was a very good speech. I do not wish to cover those points again. I also think that the Constable of St. Lawrence gave an exceptional speech and so to try and cover those points again, and many of the other very good points raised by certain Members, is pointless. I would just say that I feel that there has been a lot of talk about reform. Reform for reform's sake is not good reform and I think that we do run the risk that we have been trying to so hard to change the way in which the States operate - the structure, electoral reform and so on - that we have got ourselves in a position where it is very easy to target ... perhaps the easiest target of all is the Senatorial Benches and that indeed is the sort of outcome that we are seeing. The single election day, which has been mentioned, is not in threat if this proposition from the Deputy of Grouville is supported and I genuinely hope that Members will support her. I particularly hope that they will support her because I was disappointed with the proposition that came forward with regard to a referendum. Although many have argued that this is not a significant enough issue to warrant a referendum, I think in the context of what we are discussing it is significant enough and I really feel that the public should have their say on such a major change. Certainly I have been amazed by the number of people that have contacted me with regard to the potential loss of Senatorial seats. I have no doubt that the public want to see the Island-wide mandate retained. There are 2 things that come through very strongly that the public want. The public want the Island-wide mandate and the public want a reduction in the number of States Members. To achieve that is very difficult and that is why we are in the position that we, because unfortunately it is the soft target that appears to be taking the hit in this particular area. I believe it is an undemocratic move. I think the public believe that it is an undemocratic move and I think it is a great, great shame that we find ourselves in the position that we are now in today. I do hope Members will support the Deputy of Grouville. It is an opportunity to right what I consider, and I think many, many Islanders believe, is a wrong.

The Deputy of St. Mary:

May I ask a point of clarification of the Minister? I am sorry; it is very important because it goes to the nub what people have alleged this debate is about. The Minister mentioned the word “democracy” a few times. Will he be voting in favour of the electoral reform, P.15?

The Deputy Bailiff:

That is not a point of clarification.

4.1.23 The Connétable of St. Saviour:

I will not keep Members long. Senator Cohen spoke very eloquently, saying that the request to stop this legislation would not be the first time it had been done and that damage would not be done. There had been a request some years ago but he did say that request was sent up the following year after the legislation was sent to the Privy Council. I would point out to Members that in this instance this legislation has been sent up and the Privy Council has been asked to fast-track it. We have, as far as I am aware, never asked the Privy Council to stop something that has been fast-tracked. This would be a first. We then follow it up with another piece of legislation, according to the Members, which we would ask them to fast-track immediately. This is going to damage our reputation. Whether we like it or not, it does not make us look good.

4.1.24 Senator B.E. Shenton:

I will not speak for too long. The reason I asked for the closure motion earlier is because sometimes in States sittings we get towards the end of the day and we tend to rush important debates a little bit and I felt that we ran the risk of rushing this particular debate. A number of Members have stood up about the lack of electoral reform but certainly in the 5 years that I have been in the Chamber there has been significant electoral reform, probably more electoral reform over the last few years than ever before. We now will have, for the first time, all the Deputies and Senators and Constables on one day. That is a major achievement and a major reform and it gets rid of the backdoor route where people would raise their profile in the Senatorial elections and then stand as Deputy. I brought a proposition back in 2006 which contained a number of reforms, one of which was the reduction in the number of Senators. That was partly driven from the fact that there was no logic to the fact that there was 12 and also the fact that if you are asking for reform perhaps you should start with your own position because then you cannot be accused of not voting for Christmas or so on. However, I did strengthen the role of the Senator with that proposition by linking the position of Chief Minister. I felt the Chief Minister should have an Island-wide mandate so that everyone could have a say on who should be Chief Minister because you would run the risk that you would have a Chief Minister that may not have even faced the electorate. That did qualify and make the Senatorial position of much higher standing and make it something worthwhile because you were reducing, as well, the term of office to the same as everyone else. Of course, that was the other factor; moving to one term of office.

[19:30]

I have been a little bit disappointed with this whole scenario. I do not think Privileges and Procedures Committee did enough discussion with other Members. We have a Senatorial representative on these Benches as a member of Privileges and Procedures Committee that certainly never asked his colleagues for their own opinions of how reform should be and I think there was a general lack of actual debate with others. I do not necessarily agree with this last-minute action, if I am totally honest with you. We have a lot of debates in this Chamber where I do not like the outcome but I accept the outcome and I do not then try and reverse it. I was very disappointed when Deputy Pitman said yesterday, during the Committee of Inquiry debate, that he would go to the Privy Council if we did not vote it through. I think at the end of the day this Chamber has to have the absolute authority on what goes on and I certainly do not think it is right of people to threaten to go to the Privy Council if they do not get their own way. It smacks a little bit of throwing your dummy out of the pram because it has not gone as you think. I am going to abstain

on this vote because it concerns me. It concerns the Senators; it is something I am involved with. I do not think it is the victory for the Deputies that they think it is, simply because the changes that we made to the electoral system and the changes that we made with the one-day vote, I think we will see a totally different electorate come the end of this year. I think we will see a lot more people out there voting and I think that when we get sworn into the new House, and I may not be part of it - who knows, that is up to the electorate - I think we will see a lot of different faces in here. So I am going to abstain on this vote. The reason I asked for closure was because I did not want to stifle debate, not because of any sort of underhand way, and hopefully we can move to the summing-up fairly quickly.

Deputy A.E. Jeune:

May I ask a point of clarification of the last speaker? The last speaker said that when he brought his proposition P.145/2006, which was debated in 2007, he mentioned in that that the Chief Minister should be appointed from the Island-wide mandate, but was it correct that he withdrew that particular point? Thank you.

Senator B.E. Shenton:

It is all down to finding out what the feel of the Assembly is. On the day of the debate I realised that I had no support for that particular part of the proposition and I also did not have support for the Constables being remunerated by their Parishes and the Parishes deciding how much they should be paid. That was an extremely unpopular move. **[Laughter]** The only actual success I got out of that particular debate was that election expenses were limited as a result of the debate.

4.1.25 Deputy T.M. Pitman:

I must apologise, I cannot get excited, so I am really pleased that Senator Le Gresley got excited before me because ... **[Aside]** **[Laughter]** I hope Members will excuse if some of this is a bit disjointed because this debate has gone on and on and on and on. I have got points which I have been writing down and people have made them, so I am certainly not going to make them again. I would like to pick up on several items. I am really intrigued by the sort of flip-flopping views that some people have on the principles, I suppose. We are hearing about: "We must have a referendum now." Well I have a huge amount of respect, as she knows, for the Constable of St. Lawrence. I would be interested to know which way she voted for the referendum on Clothier. She can tell me later; she does not have to do it now. Suddenly they all want a referendum. Well they did not before. Very interesting. Deputy Noel was reminding us about what was promised: "Well, we should not be getting rid of the Senators without going to the people." Well, hang on, he brought a proposal asking to just take out several of the seats in St. Helier with no justification. Did he discuss it, did he ask for a referendum? Of course he did not. Absolutely not. The Deputy did not ask anyone. As we know, it is not: "Do as I do; it is do as I say" in this Assembly, I am afraid. I have to find fault with the Constable of St. Lawrence's speech because she is a good States Member, I like her a lot as a person and as a politician, but I found what she said illogical in many ways, unfortunately. There is absolutely no research that says the public support there being 12 Senators. It is a fact. They support the Island-wide mandate and P.P.C. and not getting rid of the Island-wide mandate, not in any shape or form. As Senator Le Marquand made quite clear, it is going to make things better. People will be able to vote for more all at once. So we have to be careful when we start going to these statistics. **[Aside]** One of the things I felt really strongly about, and I think someone did touch on it a couple of days ago when we started, was the campaign that has been behind this. I have one of the little cuttings from the *Jersey Evening Post*: "Senatorial cull was driven by Members on minor mandate said Senator Shenton." As we know, Senator Shenton might have been misquoted, because let us face it, people do not always get reported accurately in there, but as he has now said, he brought this same proposal forward, really, 6 years ago, 5 years ago, but it has all been driven by these bitter, jealous Members on minor mandates. Well, I am sorry, but if you look at it we have Senator Le Marquand supporting this. He was the

most popular Senator at the last election. Hardly a minor mandate. Senator Breckon, the second most popular, he is supporting this. The by-election that took place very recently, the winner, Senator Le Gresley, he is supporting it. So, I think it is really disingenuous. In fact, I probably should use a much stronger word about the *J.E.P.* but I will not because they tell loads of lies about me now, so I imagine what will be written if I do that. **[Aside]** I am afraid it is true. When a paper fakes letters about people as that paper has been happy to publish and will not apologise, and a lot of other things, it is a pretty sad day for democracy but we do not want to go too much into that. Mr. Farnham - and we can mention his name because I think he is a public figure - he has been very vocal in all of this. He wants democracy; he is the champion of democracy. Well someone has researched and we have to say look at his voting record in his last year of service. I believe out of 350 votes he was A.W.O.L. (Absent Without Leave) for nearly a third of them. One hundred votes missed. One hundred out of 350. Is this the type of person that people want for Senators? I am afraid it is not. Most people, and it is the vast majority of people, they either honestly do not care, as a lot of them do not even care about politics because of the way we carry on, and we discuss ourselves all the time, but the ones who have contacted me, apart from the one letter from the Advocate, are all very happy to get rid of those Senator seats. I have to say it is because people do not want part-time politicians. There are some very hard-wording Senators, so I am not attacking them all. But we have 2 here who have spoken out and they have missed nearly 300 votes between them and that does rankle with some people. They may not think it does, but it does. We have this campaign led by Mr. Farnham, another one with an appalling voting record. I should understand by now, I have been in here a couple of years, but we are being told if there is a couple of thousand people who have signed a petition and we have not seen it, so somebody has said - we do not know how many of those signatures are genuine - we must listen to them. Must listen to them. Well, we sat here a couple of weeks ago where Deputy Southern, whatever you think of his politics, was ridiculed for a petition that had 10,400 and they have been gone through and those are all genuine signatures but we must not listen to that. As many people have said, G.S.T. 19,000 people: "Well where was the referendum on that?" **[Interruption]** It is coming. I thank that interjection because it has brought me on to one of the real concerns. If this goes through, the reaction is going to be ... and it is interesting because Senator Shenton pulled me up on threatening to go to Privy Council. Well, Senator, that was, I can say through the Chair, a reaction to people getting in touch with me because they were so desperate they could not believe they got so let down and they knew this was being talked about with what they consider a much more trivial matter. When you consider that some of those people have been abused you can understand why they feel the way they do, and I was happy to support that. But what we are going to get, every decision that a group or an individual does not like; has been contentious, is going to be challenged. I think it was the Chairman of P.P.C., it might have been Deputy Martin, who gave a very good speech who said: "We are going to be an absolute laughing stock." Sir, with due respect to you, and I really appreciated your comment that you made about it was down to the House to decide your role and the Bailiff's role, but that is a very contentious question; none of us would deny it. Well, having just gone to P.P.C. I know how difficult it is but I can see people being very unhappy with what will be decided whenever it is decided, a month, 3 months, 6 months, and someone will say: "This is not Human Right compliant. It cannot go on. Off we go to the Privy Council." Or they will just petition the Queen directly with various ways to do things. I can imagine someone in here feels very strongly about the Constables. I acknowledge that there are some good Constables in here but someone else will go: "Right. That is an *ex officio* position, off I go to the Privy Council. That is not right." G.S.T., the big one. I think we are going to be queuing up for that one: "Let us rescind G.S.T., no referendum, nothing." The one I am going to do myself is the discrimination against ordinary people by these tax breaks for the very wealthy, for the 1(1)(k)s, because I think on the good governance and equality, that one has to be challenged. So, I am going to be toddling off to camp outside Buckingham Palace with my tent and my democracy T-shirt. I might take my Che Guevara T-shirt as well. **[Aside]** Again, it is very hard because the Deputy of Grouville, the proposer, she is someone I also have a lot of respect for, I like as a person. I have been sending her

lots of notes accusing her of dabbling with the forces of darkness but she knows I do not mean it. I think. **[Laughter]** **[Aside]** I seem to remember us having this discussion some months ago, Senator Perchard and I. We do not agree on much but his position has been consistent. I respect that. I think he respects mine. I stood in the Senators; a 4-year term. I said if I got elected I would stand down and I said there was no justification for there to be 12. In fact, I said there should be 6 and that is why the P.P.C. Chairman, that quote that was used by the Constable of St. Lawrence, she was being cautious because she went for 4. She is not a radical like me, so she pulled back with her committee I was not on at the time. I said 6. Again, the *J.E.P.*, it is another cutting: "This House must have integrity." Well, I am sorry, it makes me very angry and it is not the lady's fault up there because she did not write it. The editorial: "This House must have integrity." Well, I am sorry, but doing what I said when I got elected, that is important, and that is about keeping my integrity. I am not going to be bullied by the editors of the *Jersey Evening Post*, I am not going to be bullied by this high pressure from a very little group of former States Members. I have to do what I think is right, and I might be wrong, but I am showing my integrity. All Members have to show their integrity and I really hope they do. Because one thing that will come out of this, and I said it last time, people are going to look at the people who might suddenly change their mind and they are going to see those are the weaker people. Now it is fine to change your mind if there is new information but as Senator Le Gresley pointed out last time, there is no new information. Absolutely none. As one Minister confided in me just a few days ago, the BlackBerry's have been working overtime. There has been an awful lot of pressure, so he said, about making sure Assistant Ministers voted the right way and I hope people resist that. It may be that this decision we have made is wrong, but we have made it once, twice; we rejected Senator Ferguson's proposition which she had every right to bring. We rejected the referendum I think from Senator Cohen. This is the fifth time we are talking about this. To close, I remember seeing an award-winning documentary. I cannot remember what it was called but it was made by Irish TV about Latin America in 2001 and where the elite, the powerful, had got together and they were not happy with what was happening in the country because no longer was it 10 per cent of people dividing up all the spoils and the wealth while many people were in poverty. As they dismantled the constitution, they were literally there taking the role, actors chanting: "Democracy. Democracy" as they got rid of the constitution. Of course, the people brought their president back. But someone has made the point about what is going on in the world and it really saddens me when I see people risking their lives to get the vote.

[19:45]

We are really lucky in here, none of us are going to get shot. I might get stabbed in the back but I am not going to get shot for my political views, I hope. Yet, here we are, we run the risk of giving in to a very small but vociferous group and I think it is quite wrong. We have had this vote really 4 times already. Senator Le Marquand made a short speech but he hit the nail on the head. This is going to open up a can of worms, it is going to make us look absolutely ridiculous and far from improve and enhance democracy, it is going to make things a 100 times worse, I think. I am a democrat, I believe most people are democrats, and everyone is entitled to vote the way they feel with their conscience. So, again, I think I said it last time, I would just go with your own conscience; Members' conscience. Do not be pressured and bullied. We have put ourselves in an embarrassing position. We have done a good thing this week with the Committee of Inquiry. Let us not take a backward step to the view of the minority. As I say, it is nothing personal with the Deputy, the proposer. She will always have my respect. I hope she gets re-elected and I hope she does not stab me in the back. **[Aside]**

The Connétable of St. John:

Sir, I think the 30 minutes is up now and I am going to test the Assembly and go for the closure motion because I do not think there can be any fresh arguments out there at the moment.

The Deputy Bailiff:

The closure motion is proposed. Is it seconded? **[Seconded]** **[Laughter]** Then I invite Members to return to their seats and ask the Greffier to open the voting.

POUR: 26		CONTRE: 20		ABSTAIN: 0
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator B.E. Shenton		Senator P.F.C. Ozouf		
Senator F.E. Cohen		Senator A. Breckon		
Senator J.L. Perchard		Senator S.C. Ferguson		
Senator B.I. Le Marquand		Senator A.J.H. Maclean		
Senator F. du H. Le Gresley		Connétable of St. Lawrence		
Connétable of St. Ouen		Deputy R.G. Le Hérisier (S)		
Connétable of St. Helier		Deputy J.B. Fox (H)		
Connétable of Trinity		Deputy J.A. Martin (H)		
Connétable of Grouville		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy of St. Ouen		
Connétable of St. Martin		Deputy P.V.F. Le Claire (H)		
Connétable of St. John		Deputy S. Pitman (H)		
Connétable of St. Saviour		Deputy of St. John		
Connétable of St. Clement		Deputy M. Tadier (B)		
Connétable of St. Peter		Deputy A.E. Jeune (B)		
Connétable of St. Mary		Deputy T.M. Pitman (H)		
Deputy R.C. Duhamel (S)		Deputy M.R. Higgins (H)		
Deputy of St. Martin		Deputy A.K.F. Green (H)		
Deputy of Grouville		Deputy J.M. Maçon (S)		
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

The Deputy Bailiff:

So, Deputy of Grouville, it is for you to sum up.

4.1.26 The Deputy of Grouville:

I think this started off as quite a lively debate and I will try and go through some of the general points. I think we have heard quite a lot about the Chief Minister's position, the *status quo*, and former politicians, which unfortunately I feel has been fogging a lot of people's minds up and detracting from what this is all about. I was not to answer Senator Breckon. I was not a party to the petition that got formed. I was told a couple of days ago how many signatures had been collected but I have not been a part of it at all and neither have I been put up to this, Deputy of St. John, by the Senatorial Benches. I think anybody that knows me knows that I am my own woman **[Approbation]** and I certainly would not do anything like that. I have been totally consistent with my views on reform, totally throughout. I have never brought anything forward before but I felt compelled to do so because I could not believe what we had done to the electorate. I did feel very, very strongly about it and I am sorry that Senator Le Marquand found this a truly dreadful proposition. This, Senator Le Marquand, is democracy. This is our job, to debate issues, and I am very sorry he does not like it but if he had been in this Assembly as long as I have, would he find school milk and debating school milk truly dreadful because we are debating it again and again? I think it is everybody's right to bring forward propositions they believe in. So going back to what this is about, I want Members to be very clear because it is getting muddled up as well with the Electoral Commission, which is a debate that we are going to have. What we are voting on here is the removal of 4 Senatorial seats and thus removing people's democratic rights and that is the

bottom line. Members might be interested in a recent online poll because we have heard a lot about the MORI polls of 2007. But a recent online poll when people were asked if they wanted a reduction in the membership of the States, 63 per cent wanted a reduction of Deputies, 17 per cent wanted a reduction in Constables, 6 per cent wanted a reduction in Senators and 9 per cent wanted no reduction at all. So that is an up to date ...

Deputy M.R. Higgins:

Will the Deputy give way for a second? Can you tell us the source of that poll, when it was conducted, how many people and so on?

The Deputy of Grouville:

I believe there were about 200 people that contributed to it and it was an online poll. It has been suggested as well that the so-called reform package will be destroyed if this rescindment goes through and I think we have heard enough speeches to realise no, it will not. For the first time ever, we have got a single voting day for all bar 6 Senators and I think I touched on the merits of the continuity of an Assembly and, again, that is a debate that we have never had and I would urge P.P.C. to bring that forward. It needs to be discussed about the merits because that is the compromise I believe we have to have. What we have in the next elections, for the first time ever, we have 47 seats out of 53 up for election altogether and I do congratulate P.P.C. on this because this has been talked about so long and finally they have achieved it and that will not be altered in any way. This proposition, as I said, is about people's rights and the Senatorial position which is probably best understood from the voters' perspective - not our perspective, the voters' perspective. So to put it plainly, when the triennial elections come round, a voter can expect to cast a vote in the Constables election. They can cast one to 4 votes in respect of a Parish Deputy or Deputies and most significantly, from the constituents' point of view, 6 votes in the Senatorial elections. So even if you take St. Helier No. 3 where voters have the greatest choice, you only have a voting impact on 11 seats out of a government of 53 elected Members. So forget about voter apathy and where the politicians have mandates due to a democratic deficit. While low turnouts are unfortunate, they do not invalidate the election process which as I think Deputy Tadier was trying to make that point but they do not invalidate the process and surely a mandate of 10,000 votes compared to 300, I know which I would regard as more validated, even if the polls are low. The polls are low for very good reasons, which I will touch on shortly. Even if you take the one-Deputy Parishes such as my own, where the total general election voting opportunity is for 8 votes, what this Assembly did in January was to knock that influence back even further with the immediate removal of 2 Senators, which reduces that figure to 6. So Senator Breckon asked what is this all about. That is what it is all about and that is a pretty pathetic influence on a Parliament of over 50 politicians, from 8 to 6. This contrasts with the U.K. party system operating constituencies where voters do feel that they have a say in the formation of their entire Parliament. In Jersey it is clear that you definitely do not unless all the candidates are elected on an Island-wide mandate. This largely explains why the role of Senators is so highly prized by local voters. But like in the U.K., a multi-constituency system only works fairly when all the voters in the separate voting locations are faced with the same choices, i.e., the various parties or in Jersey the same Senatorial candidates. So with properly defined roles, there is still a need for parochial representatives and grassroots constituency work. There are, however, limitations to parochial voting. By disenfranchising the electorate as we have done, a voter in a single Deputy Parish, my electorate, sees a reduction in balloting opportunity from 8 votes to 6. That is a 26 per cent cut. That is what we have done and that is the democratic process people are objecting to. That is the insurmountable damage that Deputy Fox was asking about, what insurmountable damage have we done? We have cut the vote by 26 per cent. That leaves the electorate with an effective influence on 6 of the 53 Members or just 11.3 per cent of the Assembly. This cut was made by the majority of people in here that most of the electorate have no influence over, so please do not be surprised why petitions have been signed and people are outraged at the decision. To conclude, I will just touch again on the mystery of voter apathy. In

fact, there is no mystery about this at all despite all the worthy speeches States Members have heard about connecting with voters, democratic deficits and invigorating the electoral process. I suggest Members simply listen to what the public say which is that their votes appears to have no impact on their government and this Assembly has just exacerbated the situation by reducing the Island-wide mandate. If one reflects upon the total lack of voting influence in the 11 other Parishes, it is to be expected that voters feel disconnected. Even in St. Helier No. 3, the constituency with the most Deputies and including the present Senators, the total effect on the composition of the Assembly amounts to just 20.75 per cent. Remove 2 Senators and that influence drops to 17 per cent at any forthcoming general election. So it is surely obvious why voters feel apathetic when the most comprehensively represented constituency in Jersey can only hold political sway over one-fifth or less of its political leadership. The solution, as Option 1 of the MORI Poll indicated, was to increase the Island-wide mandate. Incredibly, the outcome of recent events has been to do the complete opposite. I am today giving Members the opportunity to address this mistake and leave the Island-wide mandate and voters' rights just where they are. We have yet to vote on the Electoral Commission, which I will be supporting but for now, I think what we have needs to be left as it is. We cannot reduce voter rights before handing over to the Commission if that indeed is what we decide to do. I would like Members to think very carefully before they cast their vote and I would ask people like Senator Shenton not to sit on the fence on this important matter, to come off it, nail your colours to the mast and restore the democratic voting rights of our community. I make my proposition and I ask for the appel. **[Approbation]**

The Deputy Bailiff:

The appel is called for. If all Members are in their seats because if they are not, would they return to them and I ask the Greffier to open the voting.

POUR: 23		CONTRE: 25		ABSTAIN: 0
Senator T.A. Le Sueur		Senator A. Breckon		
Senator P.F. Routier		Senator B.I. Le Marquand		
Senator P.F.C. Ozouf		Senator F.du H. Le Gresley		
Senator B.E. Shenton		Connétable of St. Saviour		
Senator F.E. Cohen		Connétable of St. Clement		
Senator J.L. Perchard		Connétable of St. Mary		
Senator S.C. Ferguson		Deputy R.C. Duhamel (S)		
Senator A.J.H. Maclean		Deputy of St. Martin		
Connétable of St. Ouen		Deputy R.G. Le Hérisssier (S)		
Connétable of St. Helier		Deputy J.B. Fox (H)		
Connétable of Trinity		Deputy J.A. Martin (H)		
Connétable of Grouville		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy of St. Ouen		
Connétable of St. Martin		Deputy J.A. Hilton (H)		
Connétable of St. John		Deputy P.V.F. Le Claire (H)		
Connétable of St. Peter		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Lawrence		Deputy S.S.P.A. Power (B)		
Deputy of Grouville		Deputy S. Pitman (H)		
Deputy of St. Peter		Deputy M. Tadier (B)		
Deputy K.C. Lewis (S)		Deputy A.E. Jeune (B)		
Deputy of St. John		Deputy T.M. Pitman (H)		
Deputy of St. Mary		Deputy A.T. Dupré (C)		
Deputy E.J. Noel (L)		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Deputy Bailiff:

Very well. Now, in normal circumstances, we would go on to P.15 **[Laughter] [Aside]** unless a Member of the States wishes to propose that we consider the arrangement of Public Business and then the meeting be closed. That seems to be proposed and I think we will take that as being in order. Chairman?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

5. The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):

We will have items to carry forward to the next session from this one, those being, of course, the Electoral Commission: establishment - P.15 - in the name of the Deputy of St. Mary and the associated amendments and the Green Waste for Commercial Operators: introduction of charge in the name of Deputy Le Claire of St. Helier - P.20. So I have listed those for the next session of 15th March to which I have to also note the withdrawal of P.177 on the Pomme D'or Farm and to add P.14 amendment reissued in the name of Deputy Southern and P.32, the States of Jersey Development Company Limited: Appointment of Chairman and Non-Executive Directors, lodged yesterday. I also had an indication from the Deputy of St. John that he might be prepared to move back 2 pieces of business lodged in his name - P.21 - the Importation of Fireworks in 2007.

The Deputy of St. John:

Can I interject, if I may? I would like to leave the fireworks one on but I can push the Esplanade Quarter: deferment of works back a fortnight if it will help the Assembly. Leave P.21 on and push P.24 forward for a fortnight.

The Connétable of St. Mary:

Thank you, that is helpful. So then moving to 29th March, we have to add P.24, as we have just said, the Esplanade Quarter: deferment of works in the name of the Deputy of St. John and also P.33, the Public Holidays and Bank Holidays: designation of 19th October 2011, lodged today in the name of Deputy Southern.

Deputy G.P. Southern:

I have not requested that it is heard on the next meeting. It could move back a little.

The Connétable of St. Mary:

That concludes business but again we do have quite a heavy agenda for the next sitting with the business carried forward from today so I would advise Members initially to go for the 3 days again.

5.1 Senator P.F.C. Ozouf:

As a number of Members may be aware, I am not going to be here on 15th March because I am away on States business and it is just to alert Deputy Southern that the higher rate of income tax is put to the next meeting. As Minister for Treasury and Resources, I would have thought that I would need to be present for that debate. I would ask that it be perhaps deferred until 5th April. If Members want to take it on 15th March, I am not going to be here. I would ask that it be taken on 5th April.

5.2 Deputy G.P. Southern:

I see no reason to move it. He has a Chief Minister who could do the business. He has got an Assistant Minister who could do the business. I see absolutely no reason. It has been lodged for the right length of time. It is not my responsibility. It is the Minister for Treasury and Resources because he is going to be away.

The Deputy Bailiff:

Is there any proposition?

Senator P.F.C. Ozouf:

Sir, I press to move it to 5th April. **[Seconded]**

Deputy G.P. Southern:

Oh, for the sake of it, Sir, I would not want to take advantage of the Minister’s absence. Not so it might be deemed to be unfair. So, yes, okay, we will move it, provided, of course, that that is not a problem in terms of it gets through changing any rate of income tax for next year or the year after.

The Connétable of St. Mary:

Could I just check that it has been moved to 5th April?

The Deputy Bailiff:

It is proposed, Chairman, that P.23 goes to 5th April.

5.3 Senator T.A. Le Sueur:

P.30 on the salary of £100,000 is due for debate in 2 weeks’ time. I would ask if we could defer that for a couple of weeks for 2 reasons: firstly because the Employment Board may want to lodge an amendment to it but more importantly because the Comptroller and Auditor General is due to report in the next couple of weeks. Although it only affects one aspect of the proposition, it is an important aspect of it and I think that States Members would be better informed on the whole content of that debate if they could see the outcome of the C.A.G.’s (Comptroller and Auditor General) report but I suggest to Deputy Le Hérissier that we defer that for a couple of weeks until the Comptroller and Auditor General has presented that report.

5.4 Deputy R.G. Le Hérissier:

We have had an exchange on this matter and I refused to do so and I still do. The Comptroller and Auditor General’s review is to look at the distribution of salaries in the States to look at whether the salaries are merited. Mine is of a different order. It is to say that a particular point, the States should have a process whereby the information can be laid in front of it. It is a totally different issue as to the checks and balances that appertain to the system.

The Deputy Bailiff:

Is there a proposition, Chief Minister?

Senator T.A. Le Sueur:

I make the proposition, Sir, and leave it in the hands of Members. I have nothing really to add except that I think we would be having a better-informed debate if there was more information available.

The Deputy Bailiff:

Is that seconded? **[Seconded]** Very well. The proposal is to adjourn P.30 for 2 weeks so that it is debated on 29th March. The appel is called for and I would invite any Members to return to their seats and the Greffier to open the voting.

POUR: 24		CONTRE: 19		ABSTAIN: 1
Senator T.A. Le Sueur		Senator J.L. Perchard		Connétable of St. Mary
Senator P.F. Routier		Senator A. Breckon		
Senator P.F.C. Ozouf		Senator F.du H. Le Gresley		
Senator B.E. Shenton		Connétable of St. Helier		
Senator F.E. Cohen		Connétable of Trinity		
Senator S.C. Ferguson		Connétable of St. John		
Senator A.J.H. Maclean		Deputy of St. Martin		
Senator B.I. Le Marquand		Deputy R.G. Le Hérissier (S)		
Connétable of St. Ouen		Deputy J.A. Martin (H)		

Connétable of Grouville		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy of St. Peter		
Connétable of St. Martin		Deputy P.V.F. Le Claire (H)		
Connétable of St. Saviour		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Clement		Deputy S.S.P.A. Power (B)		
Connétable of St. Peter		Deputy of St. John		
Connétable of St. Lawrence		Deputy M. Tadier (B)		
Deputy R.C. Duhamel (S)		Deputy of St. Mary		
Deputy J.B. Fox (H)		Deputy M.R. Higgins (H)		
Deputy of St. Ouen		Deputy J.M. Maçon (S)		
Deputy K.C. Lewis (S)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				

The Deputy Bailiff:

So P.30 is deferred until 29th March.

5.5 Deputy G.P. Southern:

I just refer back to P.23. I did, when I lodged this, ask that I have comments on higher rate of income tax as early as possible and I would still wish that to happen because obviously I wish to prepare properly for the debate. It is a serious issue. If there are ramifications from what I am proposing, then I need to be aware of them at the earliest possible opportunity. So I would ask the Minister for Treasury and Resources to at least give his comments to me for the original date of I think it was 6th March.

Senator P.F.C. Ozouf:

I wanted to be here for the debate but of course the comments will be largely those that have already been discussed by this Assembly and presented in the Assembly before. My officials have other matters to deal with but we will attend to it as soon as possible in time for the debate but certainly within a week before the debate for the comments.

The Deputy Bailiff:

Very well. We seem to have settled the arrangements for future business. Before I close the meeting, I would like to take the opportunity on behalf of all of the Members of thanking the Greffier and the Assistant Greffier and the Usher [**Approbation**] for remaining in place to have the important debate done and before any Member wishes to curry favour with the media, can I also thank the media on Members' behalf. [**Laughter**] [**Approbation**] Very well, the States now stands adjourned.

ADJOURNMENT

[20:11]