

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 20th JANUARY 2011

PUBLIC BUSINESS - resumption	4
1. Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment (P.176/2010 Amd.(3)) - as amended - resumption	4
1.1 Senator P.F.C. Ozouf:.....	5
1.1.1 Deputy G.P. Southern of St. Helier:.....	6
1.1.2 Deputy M. Tadier of St. Brelade:.....	7
1.1.3 Deputy J.A. Martin:.....	8
1.1.4 Connétable J. Gallichan of St. Mary:.....	9
1.1.5 Deputy R.G. Le Hérisier of St. Saviour:.....	10
1.1.6 Senator J.L. Perchard:.....	11
1.1.7 Deputy M.R. Higgins of St. Helier:.....	11
1.1.8 Senator F.E. Cohen:.....	12
1.1.9 Deputy T.M. Pitman:.....	13
1.1.10 Deputy C.H. Egré of St. Peter:.....	15
1.1.11 Deputy I.J. Gorst of St. Clement:.....	15
1.1.12 Deputy F.J. Hill of St. Martin:.....	16
1.1.13 Senator A. Breckon:.....	17
1.1.14 Senator A.J.H. Maclean:.....	18
1.1.15 Connétable S.A. Yates of St. Martin:.....	19
1.1.16 Deputy J.A.N. Le Fondré:.....	19
1.1.17 Connétable P.F.M. Hanning of St. Saviour:.....	21
1.1.18 Connétable M.K. Jackson of St. Brelade:.....	21
1.1.19 Senator S.C. Ferguson:.....	21
1.2 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4)) - Paragraph 1(b)(iv)(A)	24
1.2.1 Senator P.F.C. Ozouf:.....	24
1.2.2 Deputy A.E. Jeune of St. Brelade:.....	25
1.2.3 The Deputy of St. Martin:.....	25
1.2.4 Deputy M. Tadier:.....	25
1.2.5 Senator P.F.C. Ozouf:.....	25
1.3 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010) - resumption	26
1.3.1 The Connétable of St. Mary:.....	28
1.3.2 The Connétable of St. Mary:.....	28
1.4 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4)) - amendment to Article 5	28
1.4.1 Senator P.F.C. Ozouf:.....	28

1.5	Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010) - as amended	29
1.5.1	Senator J.L. Perchard:	29
1.5.2	Deputy J.M. Maçon of St. Saviour:	29
1.5.3	Deputy P.J. Rondel of St. John:	30
1.5.4	Deputy T.M. Pitman:	30
1.5.5	The Connétable of St. Mary:	30
1.6	Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4)) - paragraph 3	30
1.6.1	Senator P.F.C. Ozouf:	31
1.7	Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010) - as amended	31
1.7.1	The Connétable of St. Mary:	31
1.7.2	The Connétable of St. Mary:	31
2.	Ratification of the Agreement for the exchange of information relating to taxes between the Government of Jersey and the Government of the People’s Republic of China (P.178/2010)	33
2.1	Senator T.A. Le Sueur (The Chief Minister):	33
2.1.1	The Deputy of St. John:	33
2.1.2	The Deputy of St. Mary:	33
2.1.3	Deputy R.G. Le Hérisier:	34
2.1.4	Deputy M. Tadier:	34
2.1.5	Senator T.A. Le Sueur:	34
3.	Jersey Bank Depositors Compensation Board: appointment of members (P.180/2010)	35
3.1	Senator A.J.H. Maclean (The Minister for Economic Development):	35
3.1.1	Deputy M. Tadier:	36
3.1.2	Deputy M.R. Higgins:	36
3.1.3	The Deputy of St. Mary:	36
3.1.4	Deputy J.M. Maçon:	37
3.1.5	Deputy P.V.F. Le Claire of St. Helier:	37
3.1.6	The Connétable of St. Brelade:	38
3.1.7	Deputy S. Pitman of St. Helier:	38
3.1.8	Senator A.J.H. Maclean:	38
4.	Jersey Overseas Aid Commission: appointment of non-States Commissioner (P.183/2010)	39
4.1	Deputy I.J. Gorst:	39
5.	Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act 201- (P.184/2010)	40
5.1	Senator T.A. Le Sueur (The Chief Minister):	41
5.1.1	The Deputy of St. Martin:	41
5.1.2	Deputy M. Tadier:	41
5.1.3	Deputy T.M. Pitman:	41
5.1.4	The Deputy of St. John:	41
5.1.5	Deputy J.A. Hilton of St. Helier:	41
5.1.6	Deputy J.G. Reed of St. Ouen:	42

5.1.7	The Connétable of St. Mary:	42
5.1.8	Deputy C.F. Labey of Grouville:	42
5.1.9	Deputy J.B. Fox of St. Helier:	42
5.1.10	Deputy P.V.F. Le Claire:	42
5.1.11	Senator T.J. Le Main:	43
5.1.12	Senator S.C. Ferguson:	43
5.1.13	Deputy I.J. Gorst:	43
5.1.14	Deputy M.R. Higgins:	43
5.1.15	Senator T.A. Le Sueur:	43

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY45

6. Statement by Senator F.E. Cohen regarding appointment of an additional Assistant Minister45

6.1	Senator F.E. Cohen:	45
6.1.1	The Deputy of St. John:	45
6.1.2	Senator S.C. Ferguson:	46
6.1.3	Deputy M. Tadier:	47
6.1.4	Senator A. Breckon:	48
6.1.5	Senator J.L. Perchard:	48
6.1.6	Deputy R.G. Le Hérissier:	48
6.1.7	Deputy M.R. Higgins:	48
6.1.8	Deputy P.V.F. Le Claire:	49
6.1.9	Deputy J.A. Martin:	49
6.1.10	Connétable D.W. Mezbourian of St. Lawrence:	49
6.1.11	Connétable J.M. Refault of St. Peter:	50
6.1.12	Connétable J.L.S. Gallichan of Trinity:	50
6.1.13	The Connétable of St. Mary:	50

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS51

7.	The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):	51
7.1	Deputy P.V.F. Le Claire:	51
7.2	Senator A. Breckon:	51

ADJOURNMENT52

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

[9:35]

PUBLIC BUSINESS - resumption

1. Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment (P.176/2010 Amd.(3)) - as amended - resumption

The Bailiff:

The Assembly is debating the amendment lodged by Senator Ferguson and before we resume debate an issue was raised, I think, yesterday on a point of procedure, namely as to whether there could be separate votes on the 2 parts of the Senator's amendment. She wishes to amend the new proposed Article 6A in 2 respects. Under paragraph (a) of her amendment she wishes to, in effect, preserve the number of Senators to 6 who will be elected this coming year instead of reducing it to 4, as is put forward by P.P.C. (Privileges and Procedures Committee), and then the second part of her amendment, paragraph (aa), in effect, preserves the position at the next election in October 2014 instead of only 8 Senators being elected at that time there would be 12. There are 2 separate...

Deputy J.A. Martin of St. Helier:

That is where I had a procedural ... that means we are having our first general election in 2014?

The Bailiff:

Yes, that is what the States has already agreed with Senator Ozouf's proposition.

Deputy J.A. Martin:

I thought it was 2018, the first general.

The Bailiff:

No, 2014. But the question then is whether they can be taken separately. When one considers whether amendments can be taken separately one just has to check to see that they work and that they do not, in fact, lead to a legal nonsense. Having considered the position overnight, it is quite clear that they can work separately. In other words, Members could choose to keep 12 Senators for the time being by agreeing to paragraph (a) but then reduced to 8 in 2014, or they could agree to keep the number at 12 in 2014. In other words it works legally either way. So it is a matter for Members therefore I rule that the amendments put forward by Senator Ferguson can procedurally be taken separately. Whether they are is a matter for the Senator; as with all amendments it is up to the Senator whether she wishes to put forward a package, saying, in effect: "I want to keep 12 for ever and therefore you must either vote against me or for me" or whether she wishes to say: "I am content to let the States decide whether they want to keep 12 for the next few years until 2014 and then have the option either to keep it at 12 or reduce it to 8." It is a matter entirely for the Senator.

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

One question, and it is only because I had not looked into the splitting of the thing until I see you passing your judgment there, if Members vote to keep 6 Senators for the time being, for next year, and then to reduce it to 4 Senators subsequently, is that 10 in total? I do appreciate I have not gone through that correctly because I was assuming we were taking the whole lot.

The Bailiff:

No, at the moment of course there will be what is proposed by P.P.C. as approved ... we still have the second part of Senator Ozouf's, of course, which is consequential, but assuming that were to be passed if Senator Ferguson's is not, because it would be consequential, you have a situation that at the moment there will be 4 this time, 8 in 2014, so you will be left with 8. What is being said by Senator Ferguson is keep at 6, i.e. 12 for the moment, and then she says, on the second part of hers, when you get to 2014 keep it at 12. If you vote for her then you keep it at 12. If you vote against

then you will, in fact, in 2014 reduce the number of Senators from 12 to 8. So it will be a matter for the Senator. Senator, do you wish at this stage, for the assistance of Members, to say whether you will be willing to take separate votes?

Senator S.C. Ferguson:

I can appreciate the feelings of the Assembly. For myself, if the chairman of P.P.C. would like to give some thought to it, if there is a genuine prospect of a proposition for an Electoral Commission then I am quite happy to take them separately.

The Bailiff:

It is for you to decide, Senator. You do not have to decide now.

Senator S.C. Ferguson:

If she can give me that assurance before the vote.

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

It may assist Members if I make a comment. I have just ...

The Bailiff:

But you have already spoken, Deputy.

The Deputy of St. Mary:

It is about this matter of the Electoral Commission. I have just announced to the media, and I am now announcing to the House, that I will be bringing such a proposition.

The Bailiff:

I see, thank you. So there will be a proposition to have an Electoral Commission. Senator Ozouf, you have already spoken, but do you ... no, you did not, it was a point of clarification. Do you now wish to speak in the debate?

1.1 Senator P.F.C. Ozouf:

I am grateful for that clarification because I did submit 2 amendments to the provisions originally but one which we have already discussed, and the second one was my proposal that I wanted to have a debate to keep 6 Senators in this election but then to have 8 Senators in 2014. I want to see reform like, I think, many other Members but I want it to be reform that is done in parallel, both in terms of a reduction in terms of States Members, which I think everybody wants to see, or many Members, as they said, want to see. But I also want to see a corresponding parallel review and reform of the Deputorial benches and allowing 6 Senators this year and no change in the ratio of the Assembly, the commencement of work in order to redistribute the unfair distribution of Deputorial constituencies and what I can say is, is it was a full moon last night, I do not sleep as much on a full moon, and I drafted **[Laughter]** an Electoral Commission which Deputy Le Claire asked me. It has got tweaks to be done on it but I want to bring forward a proposal, if P.P.C. does not want to do, in order for an Electoral Commission to look at the issue of the Deputorial boundaries, to look at the distribution of Deputorial seats and there are a number of options that you can look at in terms of maintaining Parish boundaries but also looking at super constituencies. That is not a matter for the debate now, but clearly this is an issue which Members have spoken about for a long time. I think that one should be set up. How it is set up, its composition, what the terms of reference are... I think that it can and should be set up this year. I think that the work needs to happen next year in terms of its work after the census, looking at the populations of the different Parishes. I believe that it should probably be the subject of a referendum in terms of the overall matters, and that that could be done in 2013 in line for reforms being brought-in in the now agreed brought forward general election that will happen in 2014, which is a result of the other amendment that I have made. In 2014 we can then see the reduction in the Senators down to 8 and then the new arrangements for

Deputorial seats, which would then preserve the balance between Deputies and Senators in terms of the composition of the States, but meet that objective in terms of there being a parallel reform and a reduction in overall numbers. I think there is another good reason why there is logic in supporting the maintenance of the 6 Senators but, if I may say to Senator Ferguson, rejecting the 12 Senators in 2014. There is an important issue of legitimate mandate in terms of electing people at once. I, as Members will know, have been number one and number 5 in the Senatorial list, and I think the people in positions 5 and 6 can say that they are legitimate in terms of having a sufficient number of credible votes in order to be discharging political office.

[9:45]

I think there is a real issue when one goes down to the inevitable consequence of people voting ... everybody does not use their 6 votes in the current 6 votes election. I cannot remember what the numbers are but I think the average number of votes is something over 4.5, it is certainly not 6. If voters are given the opportunity of 12 votes I do not think that they are going to use their 12 votes, just as they are not using their 6. The difficulty arises is that probably, and this is a matter that has been discussed I know 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 position 10, 11 and 12. Certainly, 7 and 8, that is probably going to work with a good campaign, good awareness and with people knowing. People are going to have to think through, we all know who is in this Assembly. We all know the candidates because we are political animals but Islanders who are getting on with their lives will not know names and will not be able to absorb - and I mean no disrespect to Islanders - they will simply not be able to absorb and make choices, in my view, when they are having to decide not only just 12 Senatorial seats but then also a choice in terms of Constables in contested elections and whatever we end up with in terms of Deputorial. It is simply not going to be ... it is going to be a lottery more than an election in terms of the choice, and I think that there is a real issue in relation to choosing 12 Senators at one go. I do not think it is going to be legitimate. I think it is going to be not defensible in terms of the mandate ... a number of Members have said that they have got a problem in relation to the Deputorial mandates and the slim number of votes, and I think that there is going to be an issue in terms of the mandate if we do go ahead with 12. Eight is probably defensible but 12 is too much. So for that reason I would urge Members to vote against the 12 because I do not think it is going to be credible. There is a debate at the moment in Guernsey of having everybody in their Assembly as an Island-wide. That is going to be 45 and I think many people realise that that is just not possible. Many people want the Island-wide vote, but the vote itself has got to be a proper test of electoral competence, of policies, *et cetera*. My conclusion is what I originally would have wanted to do, reform but reform which comes into place in 2014 when there is a parallel reform of both sides of the Deputorial and Senatorial benches, maintaining 6 Senators, agreeing now that there should be 8 Senators in 2014, and getting on with the reform of which I think that it is possible to do within that period of time and then looking forward to that first general election in 2014.

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

I am pleased to stand to speak after the last speaker because I do not wish the Chamber to be taken in by the attractive words just spoken. The Senator has just said that he wants to see change but what he is proposing and what this amendment proposes is that we do not change. Let us get it very clear. The proposer of the amendment has very cleverly tied-in a number of issues and in her opening remarks said: "This is the end of Senators." It is no such thing. It is a reduction in the number of Senators, which after being defeated in this Chamber this amendment seeks to come back and alter that decision. This House has decided to move slowly and in small steps with evolution and not revolution, but it has decided to move to change. This amendment stops that change. Whether or not we go on to a 2-part or a one-part proposition and change it later, it is still a stop to change. This House has decided that it wishes to change, this amendment - let us say it square - stops that change. Other Members have previously said if we stop now we will make a

laughing stock of ourselves, that is the truth. In her opening remarks the Senator cleverly weaved in lots of strands. Here we are: "It is the end of Senators" she said. It is no such thing. It is a reduction in the number of Senators, we have agreed that. It is also the beginning of the end of the Constables, she says. What a lovely way to rope in everybody's votes on that side of the Chamber. That again is not true. There is no mention of the Constables in P.P.C.'s work or in this amendment. That is simply not true. That is a way of trying to garner votes through the fear principle. It is the Constable's next. That is not true. Let us take carefully time to consider where we are, the decade in which we have wrestled with this need for change, and it is a need. There is a need to change. We decided within the last 4 months to take this one small step towards that change. Let us stick with that decision and go ahead with that change, small though it is, and let us reject this amendment in one part or both parts, or whatever. It is a proposition. It is a rearguard action to try and stop this Chamber from proceeding with change.

1.1.2 Deputy M. Tadier of St. Brelade:

I will keep it brief because I think these arguments have been rehearsed time and time again and Members probably know fairly well by now how they want to vote. I too want to address some of the comments that were spoken by Senator Ozouf because really what I think we have seen here is, I do not want to say disingenuous arguments, but I think we have seen arguments which really miss the point. We have heard a lot of speculation and talk, probably fair, saying 4 or 6 is manageable; 8 is probably still going to give you good results but 12 definitely will not. The point is we know under our current system - and it is the same problem they have in the U.K. (United Kingdom) where you have a first past the post system - is that obviously the closer you come to the top of the poll the more legitimate your mandate is, and the lower you are down the less legitimate that your mandate is. We have already spoken yesterday - I mentioned it - that fifth and sixth place are already becoming questionable, and seventh and eighth remain questionable so that the point, I think, that Senator Ozouf is bringing out is not so much about the numbers, it is about whether the system is fair to start with. I would say if the system is not fair for 12 or not fair for 8 then the system itself is not fair. It just becomes more obvious, and what I think he should be advocating, as I mentioned before, is a system either of transferable voting where everybody has to be approved by a majority of the population in a meaningful way so you go down from a number one to 6, *et cetera*, and that would give real credibility. But this is not being proposed. That has never been proposed before and I have never heard it coming from Senator Ozouf, and that is what leads me to think that these arguments are disingenuous. We start to worry about democracy only when our positions are under threat, and clearly for a sitting Senator it is much more attractive to be sitting with a slate of 6 candidates at the next election, or 8, rather than to have to sit with 4. Also I am concerned from a practical point of view. We saw the last elections, and it is not the fault of any of the candidates who put themselves up because, of course, I think everyone should have a right to stand for election within the prescribed limits of who can stand. But it has to be said the last Senatorial elections were moving towards a debacle and I really worry about what the next elections are going to be. If we have got 6 seats we have got a situation where Deputies are very unlikely to stand, with perhaps one or 2 noble exceptions, so really I think we are just going to see a battle between some sitting Senators and we are going to see candidates possibly, I do not like to use this type of language, who have got little chance of getting in although you may get the occasional maverick. I really think, practically speaking, we should be sticking with what we decided only a few months ago. We should try an election with 4 seats to see how that ... and that will have a massive impact about who is going to run. So I think if we go back to the situation of having 6 seats now we are going to get a very messy election. Let us have a tight election for 4 seats. Let us see how that runs and let us see what the implications are for the further election. There is still time to make changes if necessary for 2014 after that election, so I think that what we have heard are some arguments which are perhaps not the correct arguments that should have been given on the other side. I would say let us hold our course, let us hold firm, let us trust what P.P.C. have brought forward. I know, having worked on P.P.C. in the past, although each member has

slightly different political views, of course - that is natural - we did take time to sit down, and they carry on taking time to sit down in a coherent and logical way. I think we should not be accepting these amendments which really are coming too late and which are coming, if I am to be truthful about it, with vested interest.

1.1.3 Deputy J.A. Martin:

Whatever I might think of Senator Ferguson's politics I have always thought of Senator Ferguson as quite a practical person and we are always told politics is the art of the possible. So I set her a challenge, and it is now 2014 - and I think I must have missed something yesterday - but I am glad we are going for the first general election, and I set Senator Ferguson a challenge in her summing up, because we, on P.P.C. have not been able to do it, how practically we are going to elect 12 Senators in 2014? She has obviously thought this through because she has brought the amendment, and it is about ... we have heard talk about this Electoral Commission and suddenly it is an Electoral Commission with 2 hands tied behind its back, because we do not touch the Senators and we do not touch the Constables. How do you divvy-up the votes when you have to have those in the House? The Deputy of St. Mary will obviously not get his passed because he has just told me he has lodged something which is open, everyone is open, everyone is fair game basically, and we go back to Clothier. Again, please remember this Electoral Commission has come out of the forest somewhere and suddenly it is going to do everything that Clothier did not do, probably Carswell did not do, and it has got another C in it. A commission will not do it. It is for this House to bring forward and you will not. It is not binding. We have had this before and it will not be binding. Once you start mentioning getting rid of the Parish boundaries and talking about possibilities of getting rid of the Constables or including them, you cannot do a count and not include the Constables and the Island-wide. You cannot do it. So we have a real practical problem in 12 Senators in 2014. It was interesting yesterday ... and it is about believing. Who do you believe? I listened and it was something funny, I think he did not mean to say. I was listening downstairs in the coffee room to the Canons debate when Deputy Trevor Pitman said something about he had the first humanist marriage, and obviously I have asked, and that is somebody who does not believe in God. Then he went on to say: "But I hope one day I get into heaven." It was a slip of the tongue because he does not believe, and that is fine. That is fine, you can have your own beliefs but it is what Senator Ferguson believes we are debating today and I know Senator Ferguson believes that we should all be elected or there should be a good representative in this House on Island-wide. So to me it is a fudge in the very best intentions, but it is not truthful, it is not practical. Guernsey, we hear, is going back to look at the Island-wide mandate. They did away with the whole Island-wide mandate. We are just trying to reduce it. I think if we ever need a reason of why this is supposed to be kept, it was the speech of Senator Le Marquand, and I know he is not going to support this, but he did say as elected as a Senator he had the responsibility taken away from him of representing people. [Aside] No, no, no. What does Senator Breckon do then? Senator Le Marquand does not have the ... and he talked about conflict, it is because he is a Minister, not because he is a Senator. It is because he is a Minister and we have already established you do not have to be a Senator to be a Minister or a good Minister. It does not follow through in this House. As I say, I am not seduced. I do believe that Senator Ferguson wants to reduce today, tomorrow or in 10, 15 years' time, whenever it be, she has no intention of reducing the Senators unless she has come up with something that P.P.C. and previous P.P.C.s have missed in the last 10 years to elect 12 Senators in 2014, and it will be very interesting to hear because I was accused yesterday of saying that I know what the people want.

[10:00]

I do not know what the people want. I just read. There was a letter last night in the *Post* again saying: "Get on with it. We do not believe we cannot all elect you all." People out there want to know that they have a say in everybody's seat in this House, absolutely, totally and it will not work. If it could work, if there was a way to do it I think we would have brought that system in by now.

So that is what the people think they ... that is what the people want. The actual letter said: “And do not fob us off by saying you cannot do it”, well, I do not know how to do it, and how to make it fair, first across the post, how do you do it? It cannot be done. Deputy Tadier behind me is saying “party politics”. But we are not there yet. I do not know whether we will get there, but probably not in my political lifetime. As I started, I am a politician, like I thought Senator Ferguson was, to be practical, do what is possible and we have promised the election now and the general election in 2014, and if Senator Ferguson thinks we can do that with 12 Senators, and it is the 6 this year, you have got to do it slowly, and this is where we are. I am on P.P.C. but it is not that. I totally believe we are not doing away with the Island-wide mandate. We are reducing it, and we are reducing it down, and in 3 years’ time we will have a general election, and we will be absolutely nowhere if we have to elect 12 Senators. It will be absolute chaos.

Deputy T.M. Pitman of St. Helier:

I am sure the Deputy did not mean to misrepresent me, but I must clarify that, to enlighten her, a humanist can believe in some other force, what we do not believe in is books written by humans and passed off as the word of God and used to persecute others. So just to correct her on that.

1.1.4 Connétable J. Gallichan of St. Mary:

As I rise I would like to say a couple of words because questions have been asked about the Electoral Commission and what P.P.C. was planning to do. To keep under review the composition of the States is quite clearly in our remit as P.P.C., and I think it is a little unfortunate that Members do not perhaps share their intentions with us when they stray into that area, not that there is any impediment to them doing so, simply so that we might apprise them of what we are doing. I have asked for this matter to go back on to the P.P.C. agenda but I think I have to be very clear. We cannot live on promises of what might come. **[Approbation]** We deal with what we have before us now. P.P.C. is willing to look at it again but there is no guarantee, there is no certainty that despite ... the words “Electoral Commission” are not a magic potion. This is not Harry Potter. This is real life and there is nothing that says that anything a commission, if it was established, would come up with would meet the favour of this Assembly. That it would be more acceptable, for example, than anything else that P.P.C. or any other organisation before us has come up with and put to the Assembly. So it is totally, I think, misleading ... not misleading, I do not mean to mislead the House. It is not right that people should put their stock into something we have not yet come to. For me, P.P.C.’s comments are quite clear. We do not support either of Senator Ferguson’s amendments, either of the ways forward that are now on the table. The reasons we give are quite clear. There is certainly a question of legitimacy of trying to elect 12 people at the same time on an Island-wide mandate. Our comments spell that out. The figures say it for themselves. Senator Ozouf first mentioned it. People rarely use, across the board, all their votes. They find it difficult to identify candidates that meet their aspirations in a field of 6. To find 12 candidates at any one time, it just does not bear thinking about. The fact that we have to be sure that when we elect people they are elected with a mandate, no matter that we think in some areas now the mandates are small or the mandates need to be changed. We do not reform things unless we make them better. I think we would make it more confusing and less legitimate for those Senators who come in at the end of the poll. It is not just a question of the difficulty of organising the hustings, and things like that. We have seen in the past that we have had huge numbers of candidates standing, very difficult to organise. We could possibly overcome that. My real concern is for legitimacy of those who are elected. There is an issue of credibility here as well. The States has taken hard decisions to reduce the number of Senators and it has taken us an awful long time and an awful lot of debate to get there, but having made that decision, and having charged my committee to go away and do the work, which, as I said, we have done to the letter. There is an expectation that the States will carry through its decisions and I think the credibility has to be borne in mind here. Things have been done on the strength of that reduction. For example, in the budget book that Members have in their pigeon holes, the C.S.R. (Comprehensive Spending Review) proposals published already take into

account that reduction. There is no way that financial implication should be the reason for making a decision to reduce Members. That is the least benefit. But having taken that decision, it is quite right that the people who do the budget take on board what that is. What the result will be. We have not done it to reduce money, to reduce costs, but costs have been reduced or will be reduced if we carry through our decision. The forecasts already have that. I find it astonishing now that here we are with the Minister for Treasury and Resources effectively supporting a proposal that would cost £300,000 in a time when we are tightening our belts. **[Approbation]** Again, I stress, we do not reduce membership simply to save money, but having made the decision the wheels are set in motion and we have made a choice. We have said we are reducing our Senators over time to 8. I think the most sensible thing, I have often said this, slowly, slowly catchy-monkey. We reduce to this over time. To have no reduction in the next election and then dropping dramatically after that I think would be much harder for the Assembly to absorb, much harder for plans to be made and, if we do make other changes, much harder to unpick if necessary. So I wholeheartedly commend P.P.C.'s comments to the Assembly. Please take the time to re-read them and please vote to reject all of these amendments from Senator Ferguson.

1.1.5 Deputy R.G. Le Hérisier of St. Saviour:

Just to say I wish to repeat what others have said, which I know is the curse of this Assembly. But I was totally shocked by what Senator Ozouf said. He put it across as very sublime and benign, but it was quite the opposite. It was, as is Senator Ferguson's proposition, purely an amendment to retain the *status quo* and to hope that by a battle of attrition, which is what this whole reform debate has been about over the last 11 years, we will all go away and we will all give up in desperation, which of course a lot of people are perhaps on the brink of doing. Where he lacked logic was in saying that he has to have, for example, a comparable reduction in the Deputies' position, as is being sought in the Senators' position. That is totally erroneous because if you have got, as I think Deputy Tadier said, a fundamentally faulty system at the beginning in its design how on earth can you make it better simply by reducing the Deputies. I know that is what the Senator is after and I am sure, as I speak, he is not in the Assembly but I am sure he is in the corridors of power, trying to reduce those numbers as we speak - the numbers of Deputies. There is no way I support the numbers of Deputies or the way we are elected at the moment, quite frankly. It is not a good system. As I said in my opening remarks yesterday before I opted out, there is only one logic to this whole process and this is to get everybody on the same voting basis in order to get legitimacy. Sadly, we will not do that because the vested interests we are seeing in this particular debate, and we have seen in most of them that have gone on, the vested interests are very strong and sadly, it is not, despite what Senator Ozouf was trying to suggest to us, an argument that can be settled by logic. The chairman of P.P.C. said: "Beware an Electoral Commission." She is quite right in the sense that it will bring people face-to-face with the issue that they avoid time after time after time, which is, at heart, that the system is ultimately faulty. It is based on totally incomparable electoral areas. It is based on what in the world is absolutely unique, 3 levels, 3 types of Members, and it is based on the notion that a lot of us, whatever we may say, do not have anything that amounts to a real policy mandate. Do not articulate it, do not get voted in on it, and do not have any means - I suppose because we lack parties - of translating it into concerted and unified action once we reach the Assembly. If you do have a group of people, which we do at the moment, who are, for want of a better term, like-minded, then they do have a lot of influence, as do the Council of Ministers because the rest of the group are flailing around desperately trying to come up with a common line as against the Council's line but we are doing it in a funny Assembly. We are doing it in one where consensus is broken down but where the opposite to consensus, united action, has not yet emerged and we are in a very strange place. I think this is purely a delaying tactic. It just carries on the confusion in the public's mind who, as Deputy Martin said, are totally fed up. Totally, totally fed up. They listen to these debates and I think they just absolutely give up the will to live, and they wonder why on earth we spend so much time on these debates when there are so many more major issues facing this Island, the direction this Island should be going into, how it should be handling

the more turbulent international environment it faces and so forth. Instead we spend all our time on this unbelievably tedious and boring and never-ending display of various vested interests fighting for their corner.

1.1.6 Senator J.L. Perchard:

I think there are some things the Senator is not good at debating and perhaps should not debate. I think we generally agreed that we should not debate our own remuneration. I think we have finally got to a position where we have outsourced that responsibility and we accept the conclusion from the body that has that responsibility. Similarly, I do not think we should or we are very good at debating the makeup of this Assembly. **[Approbation]** I genuinely believe that we should outsource this responsibility to a well-respected body to look specifically at the makeup of the Assembly. Clothier did and had a very wide berth. Specifically now, we have learnt a lot from the introduction of Ministerial government and the Assembly... I mentioned yesterday to Members, that perhaps the majority of the Assembly not being in the Government is not preferable. Maybe a Commission looking at the make-up of the Assembly would agree. Certainly they would be able to receive representation from the public and ourselves, look at other examples, and come up with a formula that would probably survive at least a decade or 2 for the make-up of the Assembly. I genuinely believe whatever we decide today, it is important that an Electoral Commission is invoked as soon as possible and that their recommendations are taken to referendum, and the results of that referendum be adopted by this Assembly. That is the only way to do it. I am going to be brutally honest here. I believe - I have heard Senator Ozouf, I have just heard Deputy Le Hérissier - this is territorial battles we are having here. There are people on this side or that side of the House that want the Constables out, they want the Constables in, and there are people who want to reduce the number of Senators, others that want to maintain the number of Senators.

[10:15]

Let us be honest with ourselves, this is about political territory, this debate. It is. Let us be brutally honest and if we are honest with ourselves about trying to climb political territory by removing the conservative Constables or the conservative Senators, then we should be ashamed of ourselves. We should be ashamed of ourselves. I urge Members to do what is right. Engage an Electoral Commission, take their conclusions to a referendum and adopt the wishes of the people as a result of the conclusions of that referendum. It seems to me so Janet and John that I am surprised that P.P.C. did not come up with this. It is so simplistic and it is so right. Until then, I suggest to this House we do nothing.

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

The public, by in large, believe that all politicians are dishonest and we only act in our own self-interest. My belief, if this proposition is passed this House is in danger of confirming that view. Now I say this for the following reasons. Firstly, the House passed P.P.C.'s proposition to reduce the number of Senators in stages, starting in October 2011 with 4 instead of 6 being elected. It was another incremental step in reform because we tried bringing comprehensive reform and the House rejected it. Secondly, by voting for Senator Ferguson's amendment, this House will be reversing itself and thereby demonstrating it is incapable of reforming itself because every time someone's own interests are at stake they will fight one rearguard after another using every tactic, whether it be deception, disinformation, prevarication, you name it, they will use it to try and ...

The Bailiff:

I am sure, Deputy, you well know the rules of this House, you are not alleging that any Member has sought to deceive anyone else are you?

Deputy M.R. Higgins:

I think I am putting it that the public will believe that we are deceiving them.

The Bailiff:

Deputy, you know the rules. Please do not infer that other Members are using deception. It is attribution of improper motives and you must not do it.

Deputy M.R. Higgins:

I accept that, Sir, sorry. I was using deception as a technique of a rearguard action at any point. I do think, for example, Senator Ozouf was an example of this when he was saying we need to delay our reform to deal with the failures of the Deputorial system. I do not believe the system of representation for Deputes is right either. I also have views on the role of the Constables in the States. I do believe that we need to look at all these areas and do we need to reform each and every one of them. It is not a question of reform is needed, and it will come. If I have any part of it I will be happy to help try and reform the Deputies' benches and the Constables as well. It is not a question of partisanship, as Senator Perchard seems to indicate, it is the Senators against the Deputies and the Deputies against the Constables and everybody against everyone else. We do need to reform this House and we need to look at every area. But to delay is wrong. We have already taken the first step and we need to follow it through. So, again, I have no problem looking at other types of reform. Another reason, I believe - this is my own view - it is dishonest to state that it is all about preserving the Island-wide mandate because we are not doing away with the Island-wide mandate, we are just reducing the numbers. In my view, it is all about self-preservation. It is self-preservation on the Senators' benches. This is where the main push is coming from. It is also self-preservation of the Council of Ministers because we all know that it is going to be harder for all of the current Senators who intend to stand in the election in October to be re-elected if there were only 4 places and there are 6 or 7 credible candidates, and that is what it comes down to: self-preservation. We are also told that to reverse our decision is to maintain the *status quo*. It may be what our ruling clique want but it is not what the population want, what the public want. Senator Ferguson's proposition, no matter how it is dressed up, will further delay reform, which is the reform that the public are craving for and it will further diminish the reputation of this House and every one of us who sits in it. I, for one, will not be supporting this proposition.

1.1.8 Senator F.E. Cohen:

Deputy Le Hérissier has confirmed to me this morning that the account that I outlined of the history of the Island-wide mandate was indeed correct. Some others accused me of a version of history that was rose-tinted. But I assure Members that it was entirely correct. Whether or not certain Members like the fact that the Island-wide mandate is many centuries old, it is a fact. In fact, the origin lies ... I am not giving way.

Deputy R.G. Le Hérissier:

I said it was incomplete; accurate but incomplete.

Senator F.E. Cohen:

I have not given way. Deputy Le Hérissier sent a note to me this morning confirming that my historical account was correct, and it is entirely correct. The facts remain [**Aside**] ... Deputy Le Hérissier seems to be going back on the note that he sent this morning. If he would care to provide me with a single piece of evidence that my account was inaccurate in any way I will be delighted to retract my history. But the fact is that the origin of the Jurats lies in Article 1 of the Constitutions of King John, and that the franchise, while initially limited in terms of those who were able to vote, by the 18th century we enjoyed the delight of 12 Members elected by Island-wide popular franchise. Therefore tinkering with the number of 12 is a most important matter and something that we should not do lightly. Some suggested my proposition yesterday was a wrecking motion. I assure Members it was not, but should Members believe that it was a wrecking motion because it had the effect of not allowing the continuation of P.176, they should support Senator Ferguson's amendment because that preserves the other reforms suggested in P.176. There is no doubt that the

Island wants the retention of the Island-wide mandate. Anyone who is in doubt should only need to refer to the MORI poll. It was absolutely clear. Clearly P.P.C. in only 2009 agreed that that was the case for P.P.C. said, and I quote: “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 is reasonable to suggest that there should be at least 12 Senators. A reduction to, say, 8 would mean that Senators would be so outnumbered in the Assembly that the position would not be of any real value.” That is P.P.C.’s words. I urge Members to support Senator Ferguson’s amendment.

1.1.9 Deputy T.M. Pitman:

How pleased I am to follow Senator Cohen. I only really want to talk about what we have learnt, but I have to say in leading-in, that Senator Ozouf is already out there trying to bring about his view of world domination. Just so all the Deputies know what he is proposing is 22 Deputies. An Electoral Commission, is it not funny how everyone wants this now when they are backed up to the wall, the public are sussed and the brink of defeat. I would love an Electoral Commission, and we have already got a proposal for that within the Clothier reform referendum. But an Electoral Commission, as someone has said, with its hands tied behind its back, cannot touch the Senators, cannot touch the Constables, and with due respect to both, so they have already got a nice bit of a guide there. You have got to cull a few Deputies, preferably the bolshy ones who **[Interruption]** ... revolting ones, the unwashed, that is, as someone said to me, the Electoral ... I do not know if people ever read or watch Harry Potter, that is the Electoral Commission of Lord Voldemort. That is where we would be going. Now I want to return to what we have learned because that is the key to all this. What have we learnt? Because Senator Ferguson talked about new evidence. We have learnt that Senator Le Gresley is a man worthy of the population’s vote next time, and I knew the Senator to a degree before he got elected so I am not too surprised. But he has been true to his word because, as he said to me yesterday, and I am sure he would confirm this, there is no new evidence and he is going to be consistent, and fair play to him for that. He might be a turkey but he is willing to vote for Christmas. Senator Le Marquand... now I had a lot of respect for Senator Le Marquand when he first came in and I think he is quite aware that it dipped somewhat because I do not agree, rightly or wrongly, with his handling of the Police Chief suspension, and I am sure he is big enough to accept my view of that. But he is another one who has gone up in my estimation because he too is being consistent. He said, and I remember him saying it, he was going to be another turkey who would vote for Christmas because it was the right thing to do. Fair play to Senator Le Marquand, another man who the public can see. Okay, we might have had our doubts but he is consistent. We might still have some doubts. As he said to me yesterday, he may be a closet rabid right-winger. It will probably emerge just after he becomes Chief Minister, I expect, but there we go. What else have we learnt? We have learnt that Senator Cohen really should not worry about whether, if he stands again, he can come in the top 4 or 6 because he can make far, far more money as a highly successful author of historical fiction. I think there is a great career for the Senator.

Senator F.E. Cohen:

If I can interject, my books on history of the Island have been rather successful, thank you. **[Laughter]**

Deputy T.M. Pitman:

I look forward to the sequel, inspired by George Orwell. I was going to suggest he not be Foreign Minister, perhaps he should become Minister for Propaganda, but there we go. It has been a really informative debate because we have even learnt, incredibly, what Deputy Noel got for Christmas because judging by the figures in his argument in his proposition clearly Santa only brought him a back of a fag packet. But the nub of all this, and it came out from conversations that I had with Senator Perchard... and Senator Perchard and I probably do not agree on a lot of things politically

but we had a little discussion yesterday, and the fact of the matter is that now the Senator is against this reduction and he has been consistent, and I can respect that because he has been consistent. He has got his view and he can respect me because I stood on the Senatorial hustings, I said 6 years was too long. I said there were too many of the Senators. So he can respect that. We have got big political differences but that respect is good. So the nub of all this, and the crux of it, is that whatever happens with this, win, lose or - heaven forbid - draw, Senator Perchard's not going to be taken to task by people who support him because he has been consistent. I am not going to be taken to task by people who support me because I have been consistent. The people who are going to be taken to task are those, and let us remember there were 31, a big majority, who voted just 4 months ago are going to be the ones who suddenly, without any new evidence, because Senator Ferguson is going to have to accept there is no new evidence, they will be taken to task for not sticking with the decision that they made on the basis of their own intellect. They will be seen as the ones who suddenly have done a U-turn, an about turn, because they were not man or woman enough to stand up to the overnight lobbying of the Senator Ozouf party. The cursed BlackBerry, the text messages. They are going on now. They were going on yesterday. So that is fine, just remember that Members have that respect because you made a decision, whether it was right or wrong, you made it on your own intellect or be held up to be seen that you could not stand up to pressure, and that is the most important thing we have learnt today and that is what all this is going to come down to. People say a week is a long time in politics. Actually, an election is only 10 months away. The people are not going to forget who voted in October because I know there is enough people out there who will be looking at that and thinking whatever we think of those people they stuck to their guns or they just wither away, cower and are bullied. I do not want people like that. I told Members who I voted for in the Senators in 2005.

[10:30]

I was pleased about some decisions, some I wish I could change who I voted for because they have not delivered for me on what they said. Senator Perchard and I, we are okay here. There is another 29 or 30, apart from me who voted for this, let us see you under the public scrutiny.

The Bailiff:

Through the chair please.

Deputy T.M. Pitman:

Sorry, I take your direction. It is also apparent that we have learnt that the left, the centre-left, the progressives, we did not really want to get involved in another debate on reform. I think most of us accepted that although some of the reforms had not gone as far as we wished, it was to be left for another House. We have taken a long time, P.P.C. have taken a good proverbial kicking over the years trying to get somewhere. We have got somewhere when its back is to the wall, it is getting near to the brink, those vested interests come out again and the pressure starts. What will we do if we do support Senator Ferguson? Although I do not want to get into further reform debates, I think I will go and dust-off my amendment to P.P.C.'s proposal to say reduce the Senators by 6 and bring them back and we can have this all over again. I wanted an Electoral Commission, we can have that after the next election, I think we all agree on that. By this pie in the sky, jam tomorrow that Senator Ozouf is trying to tantalise us with, an Electoral Commission that is preordained to come to one conclusion that the establishment, the right, get rid of all the people they do not like, that cannot be right. He is talking about super-constituencies, and I hope the Constables heard that, because super-constituencies then that is the end for the Constables, so we cannot have it both ways, can we? We have all got to vote the way we see fit. All I would say to Members is vote according to your intellect. We all displayed our intellect back in October. If anyone is willing to be bullied then I look forward to the electorate seeing that.

The Bailiff:

Deputy, Standing Orders say you must not impute improper motives. I am sure you are not imputing that Members will vote other than in accordance with their intellect and their confidence, are you?

Deputy T.M. Pitman:

Of course not, Sir. But I do find it funny sometimes when only yesterday it was allowed that the left were the danger and we were going to undermine the Island's economy and the Chair did not challenge it. I always get a bit confused why it is so inconsistent there. But I will always take your direction and one day we might be able to get to vote for you, and I look forward to that day. I will sit down and say: "*Hasta la siempre victoria.*"

Senator J.L. Perchard:

Can I ask the previous speaker to clarify, preferably explain something he said during his speech. He said: "The Electoral Commission will have their hands tied behind their back as they cannot touch the Senators and they cannot touch the Constables." Could he explain and preferably clarify what he meant by that?

Deputy T.M. Pitman:

I am happy to reply to Senator Perchard. That is certainly the impression that Senator Ozouf gave and I am sure it is not the Electoral Commission that Senator Perchard would want or I would want. I would be happy to have a wide, across the board... but we cannot have it like Imagine Jersey was where we are already going to come to the decisions that certain people want. That is all I was getting at, Senator, I appreciate the question.

1.1.10 Deputy C.H. Egré of St. Peter:

I too also despair at times. We have spent many hours over the years discussing reform and there is one thing that has been very clear throughout the years that I have been in the States, is that there will always be an appetite for reform even if we carry out reform. Because you cannot please all the people all of the time because different people have different views and those views sometimes will change year to year. A lot has been said about where we are at the moment. We voted in October for reform. We are now trying to reinvent that reform. We should not be doing this again, the States should be supporting P.P.C. and where they are going. A lot has been said about setting up an Electoral Commission. I know that is on the agenda of P.P.C. but it also comes with a health warning because a lot has been promised from an Electoral Commission for people who do not know what the outcome will be. There are a lot of issues that are unique to Jersey which will not be easily rectified or easily understood. The idea of trying to bring it down to a Janet and John approach is, I think, disingenuous to people who have worked very, very hard over a long period to actually start reform. I emphasise what my chairman said early on, this is a start - unless you kick start something we will never get anywhere. We have had a lot of amendments come through. I also find these amendments disingenuous. Everybody had the opportunity last year to put forward what they are putting forward now, that was not happening then, this is a last minute knee-jerk. I cannot support this amendment and I would remind people of where and how we voted in October last year.

1.1.11 Deputy I.J. Gorst of St. Clement:

I hesitate to rise because I recognise that I am conflicted and that I do have a vested interest, however, I suspect that there are 52 other Members today who find themselves in that very same position, and it is unfortunate that this debate has to some extent become a little bit personalised from time to time and I regret that. However, because of that conflict and because of that vested interest I shall endeavour to be careful in what I say. We have heard what this debate is not about - dependent on one's point view - that it is not about removing Connétables, that it is not about changing Parish boundaries, that it is not about changing the Deputorial representation, that it is not about who can stand for Minister, what type of Member can become a Minister and ultimately it is

not about what type of Member can become Chief Minister. Of course the corollary to that is that although it is not about those things directly it is my belief that ultimately it will affect those things, be it in the medium or the longer term. We could of course make a positive decision to change our system to allow those things to change in a positive way but that is not what we are choosing to do. Why do I perhaps make this note of caution? Well it is because when one is redeveloping or looking at how one might redevelop a building, how one does that and the effect of that redevelopment might depend upon which stones one chooses to remove and change and in which order. One could remove a particular cornerstone and see the whole edifice crumble. One could do some small changes and see that building improved. It really does depend on which stone, in effect, we decide to move or change. I want to comment on one or 2 speakers. My good friend, the chairman of P.P.C., said that we should not change or we should only change when we are changing for the better, when we are changing to improve something. I have got to say, to my mind, I am yet to see the evidence of how this change to the number of Senators improves anything and what that improvement is that we are proposing to provide. She also used a phrase which I am myself fond of and I like the approach greatly and that is slowly, slowly, catchy-monkey. The question I would ask of the chairman and of the Assembly is what is the monkey in this instance that we are trying to catch? I do not believe that has been laid out or a case for which monkey it is we are catching has been made. The Deputy of St. Peter in his preceding speech said that this change will kick-start reform. Of course we all know about requiring to kick-start an engine in order to start moving forward but the question that we have not addressed is while this might kick-start reform, where is it we are going to? I do not believe, or should I say I do believe that some people who, to be fair, approved this change to the Senatorial numbers back in October and have not changed their minds, still believe that is the right decision. I believe that they have not necessarily thought out where this particular - what appears on the surface - a small change will lead us or where it will lead us to and I would ask them to consider that. I want to also just comment upon Deputy Le Hérisier, I do not always agree with him but I believe that today he made a very fair and honest speech. He said in actual fact this is a small change, we can turn over our previous decision and stay with the *status quo*, or we need to look at appropriate change of some magnitude. Although we might, as a national characteristic, like to change slowly and proportionally, I have got to say that unfortunately I have a while ago come to the point of view that when it comes to electoral reform and the make-up of this Assembly, that is not possible. We either need to be honest with ourselves and say: "No, we are satisfied with the *status quo*, let us get on and do the work to which we were elected and try and face some of the challenges that we face as a community." Or: "Let us really look seriously at the big change so that we are all on a similar or at least same mandate." So while it is quite simply about a reduction, whether to reduce Senators yes or no, I believe that it has much wider ranging ramifications and I would simply ask that Members consider that before they place their vote, what I hope optimistically is this morning.

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

I have sat through any number of debates on reform and I hope we are now getting very much to the close of this particular debate. I just want to make a couple of very quick points because yesterday I mentioned that the referendum was brought by Senators for Senators at the end of the day and now we have an amendment here again by Senators for Senators and it is a shame really that it has to be polarised, but that is the way it is. If we are going to make a move in reduction it has got to start somewhere. But I did ask also yesterday where was the evidence to make people want to change their minds and, I am sorry, I have not seen any at all and I do not know if any other Member can, but I would like to remind Members that this vote was taken only last October. Deputy Trevor Pitman has reminded us that there were 31 who supported it, well I cannot think of any those 31 who have seen evidence this morning to change their minds. Of the 17 that opposed it, 4 were Ministers or Assistant Ministers and of that 17, or the 13 left, 9 were Senators. So, again, I doubt whether any of the 17 will change their minds. Indeed I have seen no reason why anyone can change their mind simply because nothing has happened since last October. So I will sit down

and ask the other Members, who will obviously consider carefully what the decision they made last October, and what could make them want to change their minds this morning.

1.1.13 Senator A. Breckon:

When I got this amendment and the proposals, also what seemed to be flowing was there was something from Deputy Noel and then there was the referendum from Senator Cohen as well as Senator Ozouf's amendments. It was unusual to me because they are not known for their individual efforts in propositions. So I thought it seemed a bit of a sort of a concert party. There is some tension I think between where we are trying to get to here, but people want an Island mandate - we are told that - but then what exactly is it they want? Is it what we have got already or do they want some ration of it or some change to it, and we have never had that discussion with the public. But I should be clear, as the Deputy of St. Martin will know, last time I voted for the reduction because generally we have said we must reduce the number of States Members and it was obvious where we were it was not going to happen with the Deputies because it was too complex with amalgams of Parishes, because there are issues about Assemblies, an authority for a Deputy in another Parish to even speak in a Parish Assembly.

[10:45]

I was not convinced about that. The same with the Connétables, it was too big an issue so if we were going to have a reduction then perhaps the easiest way - turkeys voting for Christmas - was Senators and there we are and that is why I voted that way. The other thing people have said is: "Well, people want this." But in some Parishes, let us not forget - and it has happened to me as a Deputy - I did not have a contested election. It has happened in St. Ouen for Constable and for Deputies. Greatest respect for the Constable of St. Ouen: never stood in a contested election and he said yesterday in 17 years ... now, you could say, as somebody said about the Constable of St. Helier, he has got the strongest mandate in the Island, because nobody opposed him. So, therefore, everybody supports him. So that is really where we are, so we have some challenges and tensions with elections. In Trinity again, no contested election. So if we look down a Senatorial list for a number, however many it is, if we had 12 and somebody gets in with 4,000, okay, it is not brilliant for an Island-wide mandate but it is a lot more than has been spread out in other ways. So people talk about Electoral Commissions and challenges but this is a complicated area because we have all got here by different means. So perhaps Members would bear that in mind when we come to the conclusion of this, and it is not that simple. The other thing is that the public - or we have suggested the public - how would they cope with this? We have heard that if there are 6 seats in the Senatorial, we have 18, 20 or more candidates and - as it is now through the Parishes - it is not the easiest for either the candidates or the public to make any sense of it. Because I think, as Senator Ozouf touched on, if people need to be tested then they need to be tested on where they are coming from, what they are going to do and then when you get here it is not the easiest thing to do that because you have got to convince the Members of this House that is the right thing to do. So there are some difficulties with the whole system, and we have not got to the alliance of whatever that may be that can bring to the people and to the House the policies to do that. This change will not do any of that anyway. The other thing is, what is it the public want? Do they want to vote on an Island mandate, and if they do, which we have heard from Senator Shenton yesterday, yes, people do want an Island mandate partly because they do not have a Parish one, because there is no election so they want to be involved and they want to have some say, but then what exactly do they want? Do they want to vote for 4, do they want to vote for 6, do they want to vote for 8, do they want to vote for 12? I do not think we know. The other thing with this, if you think of the mechanics of it and how it splits-up, if you have 4 Senators elected I would say that whoever those 4 people are, men and women, have got a truly Island mandate, they have gone there with policies, they have been challenged in the media, at the Parishes, and I think it would be focused. Again, that could be the same for 6, but - and Senator Ozouf I am sure will have looked at this - what happens with the vote? I would say for 6,000 or 8,000 votes which again is good from the Island.

But if you get down to 12, and I think this is what Senator Ozouf was touching on, whereas if you have 12 people standing at the same time for Senator then a guess would be somebody getting 4,500 votes would probably get elected and there is a reason for that. Other people talked yesterday about democracy but I once heard it defined in these broad terms, if you said to people: "We are going to paint this ceiling and you have got 2 choices of colour" and 5 people gave a colour and they gave different colours then what do you do? Everybody, the 5 people, made a second choice of pink as a joke: "We will paint it pink" right. So if you look at democracy what you have got, because they had 2 votes, pink wins. So everybody gets what nobody wants. I heard that defined as democracy. Now, if you think - and I know that is where you are coming from - if you have a long vote like filling in a football coupon then there is chance of that, that and that and that is a fear but again, whatever we have got we have to work with. In what Senator Ferguson is proposing with 12, I see some issues there, as Senator Ozouf has pointed out. But again I did vote for the reduction and I will stay with that because I do not see anything else coming from electoral reform or commissions because what will happen - and I think Deputy Le Hérisier touched on this - eventually it will come back to this House and this House has a record of balking on somebody else's recommendations. We get to that and say: "Oh, yes, but, you know, it is a good indication but then we do not have to do it" and then the allegation is we would not anyway, would we, because it is turkeys voting for Christmas. But I think... and I did do some work, but the other thing I was under the impression of was it was a bit late to do any of this because when P.P.C. brought something forward last year they said: "Well this is really the last opportunity to do the law drafting to get things changed" and they have done some more work on that. But I looked at possibilities of bringing Parishes together where there are districts and perhaps having less Deputies, say 4 instead of 5 in St. Saviour, maybe 8 instead of 10 in the town and by coincidence, nothing to do with Deputy Noel's proposition, but 2 in St. Lawrence because St. Peter and Grouville have got a similar population and we are not going to have 2 there so then why should we have 2 in St. Lawrence. This is not Electoral Commission, I just looked at the figures and did it the other way rather than adding to it, taken away and suggested perhaps that if we are going to reduce the numbers then should the 6 senior Constables sit and not all of them? So there are other ways but I think it should come from here, and we do not want to debate this for ever, but perhaps P.P.C. could have a session where everything could be thrown in. But for now I will be supporting neither of these because not many months ago I voted the way I did and I will stick with that.

1.1.14 Senator A.J.H. Maclean:

I think I am not alone in despairing with these debates that we have had on many, many occasions before. In particular, because I have noted not only today and yesterday but in previous debates, the way in which many of the speeches tend to descend into a personal nature. We hear tone and innuendo which is really not becoming of this Assembly and that disappoints me. But beyond that I was listening with interest to many of the speeches. The Deputy of St. Martin said I believe that nothing has changed since last October, it was only last October that this Assembly made the decision that it did that it was going to alter the number of Senators for the forthcoming election. I would say to the Deputy of St. Martin that last October is in fact a long time ago in politics; I am not the first to say that a week is a long time in politics and certainly many things have changed. As far as I am concerned I have been struck by the numbers of members of the public that have been quite shocked and disappointed at the thought of losing Senators from this Assembly, simply because it is the opportunity for the public to have Island-wide representation and that is something that has come through loud and clear as being very important. I think, more than anything else, those Members who did vote in favour last October will now be aware of the very strong public view with regard to retaining the Senatorial seat and the number of Senators that exist in this Assembly. The chair of P.P.C. - and I think I am correct in quoting her - that change should be supported when it is for the better, or words to that effect. As I have said, the public view is that this is not necessarily at this stage for the better. My view is that the decision taken last October was a case of making a change for change's sake. We have tried so long and so hard to change

something and it did strike me that Members perhaps felt that this was an opportunity that should be taken. But what sort of reform do the public want? I do not want to go into details, as many Members have, of all the potential variations that we have. But is it that the public think that the system we have here is faulty or is it the case that they think that some of the Members are faulty and some of the decisions that we take are faulty? I think that may be as much a point as indeed the reform of the make up of this house. What the public quite naturally want and what the public quite naturally expect are good decisions and good decision making. Senator Ferguson has, I believe, undertaken to split the vote and if part were to be supported by Members today we could retain for this upcoming election this year the 6 Senatorial seats, and I believe the most sensible move, despite reservations of some Members, would be then to be in a position to appoint an Electoral Commission to look most closely at this issue and come forward with recommendations before the election following 2011. I believe that this Assembly will never be in a position to be able to make a decision on this. They will never make a decision but if we appoint an independent Electoral Commission then I believe, with clear instructions, we have a hope of having a recommendation coming forward that could seek the support of this House. I, therefore, hope that Members will support the first part of the proposal from Senator Ferguson insofar as maintaining the Senatorial 6 seats for this coming election in 2011 and I believe that an Electoral Commission can indeed be put in place. I think it is something that I would give all my support to and I know other Members feel the same. There is no reason why we cannot do that. Thank you.

Deputy T.M. Pitman:

Could I seek clarification from the speaker? Just on what he said about if the Electoral Commission received instruction, what did he mean? Was that just to remove certain areas and not others, what did the Senator mean by that? Does he support Clothier, that is what they did?

Senator A.J.H. Maclean:

Very briefly, I believe that it needs to be clearly defined, the terms of reference, as far as the Electoral Commission is concerned. They can look very clearly at areas relating to the Deputies, they can look very clearly at constituencies and, it is absolutely right, of all aspects, but I suspect that the terms of reference could be agreed in conjunction with P.P.C., and that is the appropriate format to get a terms of reference agreed by P.P.C. that is supported by this House.

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

I did not vote for a reduction in Senators last October and I am a bit wary about reducing the Island-wide mandate, but with the view to the first single-day election this coming autumn, an elector will say: "The States have removed 33.3 per cent of my Island-wide mandate. Look, there are only 4 candidates for Senators." So I would propose to support part (a) of Senator Ferguson's amendment. With the first general election in 2014 I feel that it would be totally impractical to field 12 Senators because it is just impossible to get a good spread of candidates with sufficient mandate. So in that case I would propose that I would reject Senator Ferguson's section (aa). I would think the first single-day election should stay at 6 Senators and the first general election should revert to 8 Senators. The first general election we would field 8 Senators, the elector will say: "Oh, I have still got a reasonably good proportional Island-wide mandate." That is the way I feel and that is the way I would urge people to consider. Thank you.

1.1.16 Deputy J.A.N. Le Fondré:

I am glad to follow the Constable of St. Martin because like him I too was ill on the day that the Assembly last voted on this.

[11:00]

I have to say I have found this particular amendment ... I have really been very torn on the whole argument. I think where I am, I am not too sure and that is the only reason I would have, I think, for supporting this. I am not too sure that the argument that this is a fair step towards the move to

super-constituencies and all that type of stuff, or the removal of the Connétables. I do not think at this present time that holds water because ultimately that is something that has to come back to this Assembly and then it is in the power of this Assembly to decide then. What I do get quite twitchy about, and we have heard it many, many times in this Assembly about revisiting old ground, and that is quite important, at the end of the day 31 Members voted for this last time around and 17 against. Even if you took everybody who was not present or available to vote, that is only 22, there is a clear majority who have voted for this principle in the past. So that is the instruction that this Assembly gave to P.P.C. I will say a few more things but I think I am going to support P.P.C. on this because that is the decision that has already been made. **[Approbation]** Now, what I was going to say is we sometimes get into these arguments where: “Oh, well we do not want to do this, we have decided to do it but there is some sort of utopian ideal just over that hill so let us delay again. Let us get the map out and revisit everything. Let us support an independent commission.” We have had at least 2 or 3 suggestions, or 4 suggestions I think, about an Electoral Commission with various comments again with the super-constituencies or whatever. It is about evolution not revolution as far as I am concerned. Let us just remember, it was the Constables in the previous House or Assembly - so the first time I was voted in - who brought in the first changes which was the 4-year term of office. The Assembly voted on that and then it was wrecked. So we have been here so many times before, we are on that cusp of achieving what I call the core components of what people believe that the public want. I think the other issue, when you talk about major restructuring of the Assembly, and that is in terms of if you take out a large number of Members then, as far as I am concerned, you are into restructuring the whole shape of Ministerial government as well. Funnily enough I have heard comments: “Oh, it is not critical, we can get rid of it.” To me the Troy Rule - which is obviously named after one of the former Deputies of St. Brelade - about the 10 per cent in-built minority/majority depending where you look at it, are for the non-Executive and it does not matter which side of the House you are on, I have always found that very important because it was a very important check and balance. If you take that into account then if you start taking out large chunks of Members you are looking at getting rid of one or 2 Ministries and then you are looking into major time and commitment and all that type of stuff, and that is why I have always felt that what is a minor reduction of 4 Members is justifiable. One thing, and in fact reference has been made to it in the past already by one or 2 Members, and I would just like to reiterate it because it was something I noticed when I was assisting in ... well, the numbers I have dug out are for the 2008 elections when I was assisting in the Parish of St. Lawrence. If you take the number of people who voted and the maximum number of votes they could have cast, that number is significantly higher than the actual number of votes they had cast. When we were compiling numbers and things that were consistent all the way through every bundle of 25 votes, it was not just a couple of spikes that skewed the numbers, it seemed to be consistent all the way through. This comment is obviously subject to the numbers I was given from the Greffe’s side yesterday or from Scrutiny officers - I am not too sure where - and what it worked out at is that, certainly for St. Lawrence, on average 4.7 votes were cast per individual. That number is pretty consistent, it goes up and down but it very rarely gets above 5. So what we are saying is that people have 6 votes and the reason they have 6 votes is they are voting for 6 candidates. But, on average, they are not using all of those votes by a reasonably significant number. So what is the purpose of having 6 posts in there when most people are only finding the ability to vote for less than that number of people? Yes, it can be about calibre and things like that, but in 2008, for example, I personally thought the calibre of candidates was reasonable in terms of results and things like that. But that is my stance, Members may disagree, but what I am trying to say is that for some reason, even in those elections, people were not using all their votes. That is the other thing that has swayed me. Sticking with the decision that the majority of the States have already made and also saying there is inherently a flaw, and I think it has happened in the past as well, certainly on personal experience, people do not use all their votes at the moment. I think on that note what I will just say is there is talk about doing a split vote, let us go for 6 Senators in the forthcoming elections and then it is reduced after that. Let us make the decision. Either go for

what P.P.C. are proposing, or just stick to 12. Let us not mess around. So what I will say, if we are splitting it I will firstly not be supporting part (a). If the Assembly accept part (a) I will then join the majority of the Assembly in voting for the rest of that amendment. But my view is we should not be voting for this amendment: it is a very difficult decision I have found, but I think ultimately we should be sticking to the decision that has already been made, and the instructions that this Assembly has given to P.P.C., thank you.

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

A lot of Members have spoken and I think to a certain extent we have gone round and round on this. Just a couple of items. I personally have had no one come to me and say that they felt the States made a wrong decision in October. I know some Members have had a constituent come to them and say they wanted the change. But speaking personally I have not had that and I know there are Members that feel the same way. Just one word of caution, we are desperately grasping at the thought of an Electoral Commission as the way to save ourselves. I would warn Members that if an Electoral Commission is thought to be the way to go, this House will have to debate the terms of reference. It is inconceivable that an Electoral Commission would be set up without this House deciding the terms of reference. This is groundhog day: we are starting all over again.

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

I would concur with my colleague, the Connétable of St. Martin, with regard to the first paragraph of the Deputy's amendment with which I would agree. I am concerned about the transitional arrangements and I think it is a softer approach. Although I would prefer to see 8 eventually so I would not support the second part. I think with my comment principally on the suggestions from various debates, Members' contributions with regard to an Electoral Commission fills with me apprehension, I have to say, in that we have seen the evolution of Clothier which was a similar sort of thing and we picked bits we liked and ignored bits we did not. I do question whether there is advantage in bringing some whiz over from England who is going to tell us how to run our affairs. I do believe that we are the only ones that can do this, we know our electorate, we know how it works and if we cannot do it I do not believe anybody else can. So let us keep it within the Island and sort our own affairs out ourselves, thank you.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Senator Ferguson to reply.

1.1.19 Senator S.C. Ferguson:

Thank you to everyone who has taken part in this. I shall take the vote in 2 parts, there are a few little gems that have come out of the debate I think. I was a bit upset at the defeatist comments. I have heard mention of an excess of people standing for Senator. Well why have P.P.C. not been looking at a deposit system and then panic over the length of the list? Well the Americans can cope, are we saying we are less intelligent than them? There is talk of changing boundaries and so on, well this is a sort of gerrymandering in the U.K. so I am a little concerned about that too. I mean, there are jobs to be done by this House but I do not think it is this particular one within this House. Senator Shenton in effect said the fault, dear Brutus, is not in our system but in ourselves and I thank him for that. Deputy Le Claire immediately contradicted him and thought about different methods of voting. Well, it is Belgium I think, they have not got a government yet, have they, and they have proportional representation. They have been without a government for about 6 months at least. There has been a lot of talk about it is not reducing the franchise, but if you reduce the Members - particularly the all Island ones - it is reducing the franchise. Deputy Tadier said that the system was important and made comments about non-contested elections and there seems to be a misunderstanding here, a non-contested election is just as much an election as a contested one. It just means that the electorate are perfectly happy with the candidate they have and there has been no movement to set up an opponent. I thank the Deputy of St. Mary and Senator Le Sueur for their

words. The Deputy of St. John talked about the Electoral Commission and my impression was that this is something that P.P.C. should have done. Senator Le Marquand, again we are talking about long lists. I am sorry, it is another defeatist approach: the list is too long, the public cannot cope. I do wonder whether the Connétables considered the long-range collateral effects when so many of them voted for the changes. The Senator considers it dithering not retaining credibility, well there is nothing wrong in admitting you are incorrect. I thank Senator Ozouf for his words. Deputy Southern, I do not think we are ever going to agree on anything. I am sorry, he is not in the House at the moment. **[Laughter]** It is a bit like jack-in-a-box. Or is it the pantomime, you know, he is there behind you. He did not mention his membership of the reform group where he wants everybody out and have just one Member, no Connétables, no Senators, just Members. The problem is that I think, like a lot of Members, people do not seem to understand that there is no shame in reversing a decision if it is the incorrect decision. He did accuse me of being clever, which I thank him very much for, but time will tell if I am correct. As I say, Deputy Tadier, who is also a member of the reform group, asks is the system fair... and lots of other systems of voting. The one he left out was the one I read about in a book some many years ago where you give an additional vote for lifetime achievements. For instance, Senator Le Gresley would have had an extra vote for his M.B.E. (Member of the Order of the British Empire).

[11:15]

Deputy Martin again, the numbers and the long list, you know, the population is not that dumb. I think what has been missed all the way through this - and I am sorry I did not myself really rationalise it earlier - was that we have continually concentrated on a U.K. model with an all-in, all-out approach as opposed to other models around. The chairman of P.P.C., I am sorry that we have not got an Electoral Commission and I regret that P.P.C. are tied to the U.K. concept and have not looked further abroad. Again: "Oh we cannot do this, we cannot do that." I am reminded of the story about Hugh Hefner when he wanted to have his Playboy Boeing painted black and he was told- he had 2 lawyers there- with respect: "You cannot do that because of regulation so-and-so, you cannot do that because of this and that." He said: "I do not want to know how I cannot do it, tell me how I can." I found the most mystifying aspect of P.P.C.'s proposition the complete lack of consideration of the financial changes. The financial consequences would, I would imagine, cost considerably more than the £376,000 they say they are saving because it is quite possible that we may have to change the income tax year. This is something that we need to think about very carefully. Deputy Le Hérisier, I thank him for his words: is it the vision, is it the system? But it is a question of have we had the vision? In actual fact, in 1946 a great deal of thought was given to the lack of a bicameral house as in the evidence to the 1946 commission, which Deputy Le Hérisier kindly supplied me with. In reply it is P.P.C. I think who have kept this obsession to reform but have not provided the revision behind the reform. Deputy Higgins seemed to miss the point that we are reducing the Island-wide mandate. He talks about self-preservation, I talk about not throwing out the baby with the bath water. Senator Cohen: his version of history corresponds to the Société Jersiaise's version, plus the evidence which I have here from 1946. Deputy Pitman: now, I like Deputy Pitman. He has a keen sense of humour but I do have one question, if the Senatorial role is so unimportant and there are too many, why did he stand as a Senator in 2008? I am sorry he does not know more about the history of the Island but I think the Minister for Education, Sport and Culture might note that the curriculum is obviously lacking. **[Laughter]** What I find difficult in this Assembly is that it does not seem to be understood that clinging to an idea through thick and thin is not necessarily the most intelligent thing to do. Principles are one thing, ideas can change. The Deputy of St. Martin asked for evidence, well the evidence I have had is from the public. Senator Breckon, again: is cutting the number the best way of coping with the numbers standing in a Senatorial election? We have eliminated the possibility that candidates wanting to stand for Deputorial elections can stand as the Senatorials for the publicity and then stand for the Deputorials. Not that this would apply to anyone in this House. Talking about balking on recommendations, I assume the Senator has followed the changes to the expenses

procedure in the U.K. House of Commons which has been interesting. The Connétable of St. Martin talked about the single-day election and 12 Senators but why did our forefathers set up the system they did? Why did Benjamin Franklin, Adams, Jefferson and the rest do what they did in the U.S. (United States)? I ask Members to think about it. Deputy Le Fondré does not agree with my forecast, well he or she who lives longest will see the most. He has the argument that if they are not using the full number of votes that it is an excuse for reducing a franchise. Is it not a reflection of the quality of candidates? The Connétable of St. Saviour says that nobody has come to him and complained, well this is an area where the Connétables should have brought a significant change to the attention of their parishioners. Why did they not? This is one of the *raisons d'être* of the role of Connétable. I ask them to think about it very carefully. The Connétable of St. Brelade said that he did not want anyone from the U.K. coming, as we have had before with Sir Cecil, I agree with him. If we are having an Electoral Commission I think we should have either somebody local or somebody from Guernsey who can understand the local ethos and history. So I ask people to think very carefully about this vote. Is it really just a small change or is it going to be throwing out something of value? I will ask for the vote in 2 parts and I ask for the appel for both.

The Bailiff:

The appel is called for then.

Deputy J.A. Martin:

Sir, before we do go to the vote, I cannot remember, was it you in the Chair yesterday when you made the ruling on Standing Order 89A, I do not know if it was yourself or the Deputy Bailiff. But I really would like this considered again because 89(2)(a) says a proposition to alter in any way the membership of the States needs a majority. Now, we needed a majority last year and I think the ruling - and I have been looking for this in the States of Jersey Law - to me we have altered the composition of the States and this would be altering it back. I think that Standing Order should be invoked.

The Bailiff:

I was informed by the Deputy Bailiff of the ruling he made yesterday and in my opinion he was absolutely right. The position at the moment is that in law there are 12 Senators. The effect of the amendment is that should continue, therefore, there is no change in the constitution, therefore, the Standing Order does not apply here.

The Deputy of St. Mary:

Sir, as a corollary, it will apply to the main proposition.

The Bailiff:

It does apply, of course, to the main proposition, indeed. Yes, because that is enacting a change. The ruling, as I understand it, only applied to this particular amendment by Senator Ferguson. Very well, so the appel has been called for then on separate votes so first of all the Assembly will be asked to vote on paragraph (a) of Senator Ferguson's amendment. To remind Members that relates then to the number of Senators for the forthcoming election this year, whether it should be 6 or 4. So I invite Members to return to their seats and the Greffier will open the voting.

POUR: 21		CONTRE: 28		ABSTAIN: 1
Senator T.A. Le Sueur		Senator A. Breckon		Deputy R.C. Duhamel (S)
Senator P.F.C. Ozouf		Senator B.I. Le Marquand		
Senator T.J. Le Main		Senator F. du H. Le Gresley		
Senator B.E. Shenton		Connétable of St. Helier		
Senator F.E. Cohen		Connétable of St. Saviour		
Senator J.L. Perchard		Connétable of St. Mary		

Senator S.C. Ferguson		Deputy of St. Martin		
Senator A.J.H. Maclean		Deputy R.G. Le Hérisier (S)		
Connétable of St. Ouen		Deputy J.B. Fox (H)		
Connétable of Trinity		Deputy J.A. Martin (H)		
Connétable of St. Brelade		Deputy G.P. Southern (H)		
Connétable of St. Martin		Deputy of St. Ouen		
Connétable of St. John		Deputy of St. Peter		
Connétable of St. Clement		Deputy J.A. Hilton (H)		
Connétable of St. Peter		Deputy P.V.F. Le Claire (H)		
Connétable of St. Lawrence		Deputy J.A.N. Le Fondré (L)		
Deputy of Grouville		Deputy S.S.P.A. Power (B)		
Deputy of Trinity		Deputy S. Pitman (H)		
Deputy I.J. Gorst (C)		Deputy K.C. Lewis (S)		
Deputy of St. Mary		Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		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 D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

1.2 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4)) - Paragraph 1(b)(iv)(A)

The Bailiff:

Very well, then the paragraph (aa) then falls away as clearly it would be inconsistent with the vote the Assembly has just taken. So that then concludes Senator Ferguson's amendment. The Greffier has very helpfully circulated an amended running order which I hope Members have. But what this means now is that we must return to the one part of Senator Ozouf's amendment which was not proposed yesterday. I will ask the Greffier to read the amendment: it is of course consequential on what the Assembly had decided earlier in relation to Senator Ozouf's amendment. So I hope Members will recall that. So the Greffier will read the relevant part of the amendment.

The Greffier of the States:

In paragraph 1(b)(iv), in paragraph (2) - (A) for the words "4 Senators" substitute the words "8 Senators".

1.2.1 Senator P.F.C. Ozouf:

As you rightly say, this is consequential on the previous debate. I need to propose that there are going to be 8 Senators in 2014 because the original proposition was that there would be 4 Senators in 2015 and I just take the opportunity of making the point because in the previous debate it says that those who supported the previous debate were not in favour of reform. I would politely point out to Members that my amendment means that there are going to be less Members of the Assembly earlier. There are going to be 49 Members, if Members turn to my amendment on page 5, if they calculate the amount of Members under the current numbers of Deputies - and we will revisit that I hope - but under the current arrangements it will be 49 Members of the Assembly by October 2014 where it would have been 51. So from a financial point of view ... I am not standing here as Minister for Treasury and Resources, but I just respectfully point out that we are going to be saving money as a result of the terms of my amendment. I hope we can go further by bringing

forward further subsequent changes in the next 3 years after 2011 in terms of the Deputorial seats. I make the amendment and try and answer any questions.

The Bailiff:

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

1.2.2 Deputy A.E. Jeune of St. Brelade:

I only rise simply because this is a slight change from what I voted on in October, but because it is absolute common sense, it is bringing it forward that there is only going to be the one election rather than 2 within 6 months, which I do not think the public would appreciate from us. So for that reason I will accept this.

1.2.3 The Deputy of St. Martin:

Could I just make a comment too, that I think maybe it was a tongue in cheek by Senator Ozouf saying we are saving money. He was not intending on saving money because about 5 minutes ago he voted to retain the Senators. So you cannot have it both ways Senator. Thank you.

1.2.4 Deputy M. Tadier:

Just in the interest of balance, and I am starting to sound like a B.B.C. journalist, although perhaps not one over here. **[Members: Oh!]** Present company excepted. I say that because I probably will support this because it is sensible and I support a general election. But I do have to put the other side of the case saying that there is an argument to have 2 separate elections because we have 2 separate positions, or 3. So a logical conclusion would be that if in fact we are going to go for a single election day then why on earth have we got 3 different positions? Clearly if we are having an election for Senator and for Deputies there must be a difference between Senators and Deputies. So one could, on that basis, quite justifiably have 2 different election days, one could have a focus on the Senators ...

The Bailiff:

May I just remind Members, this has already been voted on. The Assembly has already voted to have only one election day. This is simply a consequential amendment following on from the previous decision.

[11:30]

Deputy M. Tadier:

Indeed, but I think we still have the choice of voting for or against and I am saying why one might want to vote against this. I will leave the comments there though, Sir, I take the direction.

The Bailiff:

If there were to be a vote against on this following the previous amendment, I am not sure where we would be, but we would not be in a very happy place. Does any other Member wish to speak? Do you wish to reply, Senator?

1.2.5 Senator P.F.C. Ozouf:

Just briefly, in terms of responding to the Deputy of St. Martin, I do want to save money and I think we can save further on this proposal by reducing the amount of Deputies when we get to the issue of 2014, possibly down to 21 or 22 and I am going to bring forward a proposal in order to do that, so I move the amendment and standing vote. **[Interruption]**

The Bailiff:

The appel is called for in relation to this amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 47		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy S. Pitman (H)		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
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 Hérisser (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 of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
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 D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.3 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010) - resumption

The Bailiff:

Very well. So that concludes all the amendments then proposed to Article 2 so we now return to the debate upon Article 2 of Projet 176 as amended. Does any Member wish to speak on Article 2

as amended? Very well. All those in favour of adopting Article 2 as amended, kindly show? The appel is called for in relation to Article 2. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 45		CONTRE: 4		ABSTAIN: 0
Senator T.A. Le Sueur		Senator J.L. Perchard		
Senator P.F.C. Ozouf		Senator S.C. Ferguson		
Senator T.J. Le Main		Deputy of Grouville		
Senator B.E. Shenton		Deputy I.J. Gorst (C)		
Senator F.E. Cohen				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
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 Hérisier (S)				
Deputy J.B. Fox (H)				
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 of Trinity				
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 A.E. Jeune (B)				
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 D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Very well. Now Chairman, do you wish to propose Articles 3 and 4 together because there are no amendments there and they seem to be following on from what the Assembly has already decided

and then the next 2 Articles will need to be proposed separately because there are consequential amendments. So do you propose Articles 3 and 4?

1.3.1 The Connétable of St. Mary:

Thank you, that sounds eminently sensible, Sir. Article 3 reduces the number of Senators from 12 to 10 from the day that the new States are sworn in following the election in October 2011. It further reduces the maximum number of Ministers and Assistant Ministers from 23 to 22 on the same day. Article 4 reduces the number of Senators from 10 to 8 on the day that the 4 Senators elected in 2014 are sworn into office. I propose those 2 Articles.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on either of these 2 Articles? All those in favour of adopting Articles 3 and 4, kindly show? Those against? Articles 3 and 4 are adopted. Then do you propose Article 5, Chairman?

1.3.2 The Connétable of St. Mary:

Yes, Sir. Article 5 reduces the maximum number of Ministers and Assistant Ministers from 22 to 21. The Article is proposed, details of the election in May 2015.

The Bailiff:

Is that seconded? **[Seconded]** Very well.

1.4 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4)) - amendment to Article 5

The Bailiff:

Now there is an amendment lodged by Senator Ozouf to this, which is again consequential on the decisions the Assembly has already taken. It simply changes the date and the Greffier will read the amendment.

The Greffier of the States:

2. Page 17, Article 5 - (a) in the heading, for the words “May 2015” substitute the words “October 2014”; (b) in paragraph (2) for the words “May 2015” substitute the words “October 2014”.

1.4.1 Senator P.F.C. Ozouf:

I cannot really add anything else apart from the explanation that the Greffier has given. It is consequential. It moves the general election forward.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well. All those in favour of adopting the amendment, kindly show? Those against? The appel is called for then in relation to the amendment of Senator Ozouf. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				

Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
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 Hérisier (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 of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
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 D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.5 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010) - as amended

The Bailiff:

So we then return to the debate upon Article 5 as amended. Does any Member wish to speak?

1.5.1 Senator J.L. Perchard:

Just briefly, to repeat my objection to this principle. I think there are 53 soon to be 51 then to be 49 Members of the States. I think many Members are under-utilised. I think the Troy Rule is divisive, unnecessary. I think we are elected here to do a job and we are held to account not by each other necessarily but by the electorate. I shall not be supporting this. I have never liked the Troy Rule. I do not understand it. I think it is divisive and it has made Jersey politics what it is.

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

Very briefly, Sir. I personally would like to congratulate the chairman of P.P.C. for steering us through this debate. **[Approbation]** The committee has been under a lot of criticism during it but I think she and her committee have steered this debate well, and I would like to offer my thanks.

1.5.3 Deputy P.J. Rondel of St. John:

In relation, I must say it is good to see P.P.C. pull something off, although it has been amended, given that they get a fair amount of stick from Members - including myself - over the course of a year for doing things in certain ways, but I know we have all got our heart in the right place, whatever part of the political scene we come from. If I could pass a comment on the Troy Rule.

The Bailiff:

Well, I think not, Deputy.

The Deputy of St. John:

I think it is important that we keep that, Sir.

The Bailiff:

No, but this amendment does not change the Troy Rule. The Troy Rule will remain. It simply changes the number to take account of the revised numbers.

The Deputy of St. John:

That is right and I am quite happy to see it stay, Sir.

1.5.4 Deputy T.M. Pitman:

I just simply want to say that I am now using up my whole quota of congratulating Constables for the year so I will do that and I will make sure it does not happen again for the rest of the term.

The Bailiff:

Very well. Does any other Member wish to speak? Then all those in favour of adopting Article 5 as amended, kindly show? Those against? It is adopted. Then do you propose Article 6, Chairman?

1.5.5 The Connétable of St. Mary:

Yes, Sir, I do. Article 6 serves to amend the 2008 Law so as to provide for Connétables to hold office for 4 years and for there to be an ordinary election of Connétables every 4 years commencing May 2015. A transitional provision is added to the 2008 Law providing that there should be an ordinary election in October 2011 to elect Connétables for a term of 3½ years. In addition, Article 3 of the 2008 Law is amended. Article 3 currently provides that a by-election to fill a casual vacancy shall not be held if the vacancy arises after 15th August preceding an ordinary election. As amended, a by-election would not be held where a vacancy arises less than 2 months before an ordinary election. Article 4 of the 2008 Law is amended to make it clear that if a Connétable whose term of office is 3½ years vacates office, a person elected to fill the vacancy holds office for the balance of that term.

The Bailiff:

Is that seconded? **[Seconded]**

1.6 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4)) - paragraph 3

The Bailiff:

Now there is again an amendment lodged by Senator Ozouf which is consequential on the matters discussed earlier and I will ask the Greffier to read the amendment.

The Greffier of the States:

3 Pages 17-18 Article 6. In paragraph (2) - (a) in the substituted Article 2, in paragraph (1), for the words "May 2015" substitute the words "May 2018"; (b) in the substituted Article 2A - (i) for the heading substitute the heading "Transitional arrangements for 2011 and 2014", (ii) in paragraph (1) for the words "May 2015" substitute the words "October 2014", (iii) after paragraph (1) insert the following paragraph: "(2) An ordinary election shall be held in the period of 7 days beginning on 15th October 2014 to elect Connétables for a term expiring on their places being filled by the ordinary election in May 2018", and renumber the draft law accordingly.

1.6.1 Senator P.F.C. Ozouf:

These are consequential on the decisions that we have already made. I have got nothing further to add and I propose the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? All those in favour of adopting the amendment, kindly show? Those against? The amendment is adopted. Does any Member wish then to speak on Article 6 as amended? Very well. All those in favour of adopting Article 6 as amended, kindly show? Those against? Article 6 is adopted.

1.7 Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010) - as amended

The Bailiff:

Do you then propose, Chairman, Articles 7 and 8 together?

1.7.1 The Connétable of St. Mary:

Yes, Sir, I think so because the sooner we finish this, the better I think for everybody now. Article 7 provides that the commencement of a provision of this law that alters the term of office of any description of elected Member does not affect the term of office of an elected Member of that description who is already in office. Article 8 is simply providing for the citation and commencement of this law which will have effect 7 days after registration.

The Bailiff:

Are Articles 7 and 8 seconded? **[Seconded]** Does any Member wish to speak on either of those Articles? Very well. All those in favour of adopting Articles 7 and 8, kindly show? Those against? Articles 7 and 8 are adopted. Do you then propose the Bill in Third Reading, Chairman?

1.7.2 The Connétable of St. Mary:

I do, Sir, and I wonder if I could at this time restate what I said in my original proposition, that I am eternally grateful for the help of the Greffier and his department and also to the Law Draftsmen and Officers. **[Approbation]** This has been a long and winding road. Hopefully for now, at least for the immediate future, we are at our destination. A couple of Members, in proposing one of the amendments just now, gave me some very kind comments, which I am grateful for. At that time, I did not accept them because I had this awful feeling we had not got to the end yet and so perhaps it would be a little premature but I just appreciate it, thank you.

The Bailiff:

Very well. Is the Bill seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? The appel is called for then in relation to the Third Reading of Projet 176. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 45		CONTRE: 5		ABSTAIN: 0
Senator T.A. Le Sueur		Senator J.L. Perchard		
Senator P.F.C. Ozouf		Senator S.C. Ferguson		
Senator T.J. Le Main		Connétable of St. Lawrence		
Senator B.E. Shenton		Deputy of Grouville		
Senator F.E. Cohen		Deputy I.J. Gorst (C)		
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
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. Mary				
Deputy R.C. Duhamel (S)				
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 St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
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 A.E. Jeune (B)				
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 D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Very well. That concludes the debate on Projet 176. Before leaving it, can I just add a little bit to what the Chairman said. As Members will have realised, with all the various amendments, particularly those which were proposed, this was an extraordinarily complicated matter to plan as you will have seen, of course, from the draft sequence of events prepared by the Greffier. The

Greffier has put an enormous amount of work into doing that. **[Approbation]** I need say no more. The applause speaks for itself.

2. Ratification of the Agreement for the exchange of information relating to taxes between the Government of Jersey and the Government of the People's Republic of China (P.178/2010)

The Bailiff:

Very well. We come next to Projet 178 - Ratification of the Agreement for the Exchange of Information Relating to Taxes between the Government of Jersey and the Government of the People's Republic of China - and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to ratify the agreement for the exchange of information relating to taxes between the Government of Jersey and the Government of the People's Republic of China as set out in the Appendix to the Report of the Chief Minister dated 6th December 2010.

[11:45]

2.1 Senator T.A. Le Sueur (The Chief Minister):

I know that States Members are not meant to repeat themselves but I am going to have to repeat what I have said on several previous occasions in this House in relation to Tax Information Exchange Agreements because we are now in a state where we have 20 such agreements signed with different countries round the world and this present proposition asks us to ratify the one with the People's Republic of China. Although some people may question the relevance of the People's Republic of China, I would point out 2 things: firstly that China is a member of the G20 group of nations and is increasingly respected as a world financial and economic power and it would be remiss of us not to treat them in the same way as that country is treated by the U.S.A., by the U.K. and other G20 countries. I have little I can add to what I have said in respect of previous Tax Information Exchange Agreements and I make the proposition.

The Bailiff:

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

2.1.1 The Deputy of St. John:

Can I congratulate the Minister on this agreement and will he inform us whether or not future agreements will be dealt with by our new Minister for Foreign Affairs?

2.1.2 The Deputy of St. Mary:

I just had a question I wanted to put to the Chief Minister about this because I asked a written question about T.I.E.A.s (Tax Information Exchange Agreements) which I put to the Chief Minister. I asked what the financial implications of these T.I.E.A.s were and how many requests had been made year by year under the various T.I.E.A.s we have and, in fact, how many agreements we do have. It would be just useful if I spelt out that in 2007, we had one such agreement and it has gone year on year, so we now have 15 agreements in place and active. Now in the years 2007, 2008 and 2009, there were 12 requests so an average of 4 a year. In 2010, there were 27 requests. That is 6 times more in just the one year, 2010, and then he lists the 7 countries from which these requests came. So 27 requests for the year 2010 and on the question of how much manpower is involved in dealing with these requests, the written answer says: "All the requests to date have been dealt with by the Comptroller of Taxes personally as a normal part of his duties and there are no staff specifically employed in this work", which I find a little bit puzzling, if

you like, or questionable as in the preceding paragraph, he told me and told us that in the course of these requests, 3 have given rise to issues relating to the distinction drawn in the agreements between criminal and other tax matters and the definition of what is a criminal tax matter: "... which issues we are currently seeking to resolve in discussion with the countries concerned." In other words, in 3 cases, there is a disagreement about whether the information should be supplied and I can imagine that such disagreements will take considerable officer time to resolve, letters going to and fro: "We do not want to release this information", "We do not feel we should", "Yes you should because of this that and the other", and they used it and so on and so on. So coming back to the proposition in front of us, financial and manpower implications, the Chief Minister says there are: "No implications for the financial or manpower resources of the States arising from the ratification of this agreement." Well, I would remind Members that we are talking about China. This is a different league from all the previous agreements except the U.S.A.; 1.2 billion people, and it seems a tad rash to say that there will be no implications in terms of the manpower in the Chief Minister's Department arising from probably twice as many people altogether being added to the ambit of our T.I.E.A.s, that there will be no financial implications at all or manpower implications, and I believe there will be clearly, in the light of what I have said, and I would invite the Chief Minister to comment on that aspect of this proposition.

2.1.3 Deputy R.G. Le Hérisier:

I do feel a little eerie. We do know - and President Obama referred to this yesterday - about the human rights record of China when he was greeting the Chinese President. But what intrigued me yesterday was a slightly different bit of news as well as that. It was the revelation that the probably ill-advised return of the former President of Haiti to Haiti had resulted in the Haiti Government requesting the Swiss authorities to reveal all hidden monies from that ex-President. We know in places like China and Russia that there are real issues, perhaps more in Russia, with the kind of money that has been made by, if I dare mention the word, "oligarchs" with the kind of money that has been made and how this money is filtered out of the country. To what extent is this going to fall within the ambit of this agreement?

2.1.4 Deputy M. Tadier:

Yes, Deputy Le Hérisier touched on the issue and of course it is important that we do sign these T.I.E.A.s, so that is not what is up for question. But I would be particularly interested to hear from our newly appointed Assistant Chief Minister with responsibility for Foreign Affairs because I know that he has a particular interest in human rights, in justice and in miscarriages of human rights. I would like to know how he feels about doing business with China, whether he will or has taken an opportunity to raise issues or whether he will be doing that as part of his new job because I am sure it is something that he will clearly have to balance on the one part, being a shrewd businessman, being a diplomat, but nonetheless wanting to remain true to his convictions about miscarriages of protecting the human being's basic rights.

The Bailiff:

Does any other Member wish to speak? Very well. I call upon the Chief Minister to reply.

2.1.5 Senator T.A. Le Sueur:

I will deal with the 4 speakers in the order in which they spoke. To the Deputy of St. John, will future agreements be signed by the Assistant Minister? Well, it is quite possible. In the past, Senator Routier, my other Assistant Minister, has signed agreements on my behalf but the ultimate responsibility remains with the Chief Minister who will be the normal person signing important documents of this nature. As to the Deputy of St. Mary, he has got a couple of interesting questions. Yes, I accept that the population of China is significantly greater than that of the other 19 countries put together but that does not necessarily give a realistic indication of the number of requests likely to emanate from that country, even of the 27 or 39 that we have in total received so

far. They are not necessarily proportionate to the size of population in that country. It is more likely to be related to the size of economic activity between that country and Jersey and at this stage, while I have no way of estimating that, I would not necessarily think it was as significant in terms of population numbers but we will have to wait and see. He raises the issue, and I think that was touched upon then by the other speakers, of this distinction in obtaining advice between what might be called fiscal and civil matters and criminal matters, and that is a case which occasionally can lead to discussion, at this stage not necessarily huge discussions, and it will involve not only the Tax Office but very often the Law Officers' Department who will have to give some indication of the validity of a request made by a third country. So that would equally deal with some of the issues, which I think Deputy Le Hérissier raised in respect of maybe oppressive demands such as that made by the Haiti Government in respect of this information. There is the power within the Tax Information Exchange Agreement to refuse to provide information if the request is not a reasonable one and so I believe that Jersey has all the safeguards in this that it requires and in the ultimate, of course, we have got the ability - as the sort of nuclear option if you like - of cancelling the agreement if we felt it was being misused. I believe these agreements are not being misused. They are being used to further the reputation of Jersey in the international community as a reputation of standing and I am pleased to propose this further Taxation Information Exchange Agreement to continue that tradition. I maintain the proposition.

The Bailiff:

Very well. All those in favour of adopting the proposition, kindly show? Those against? The proposition is adopted.

3. Jersey Bank Depositors Compensation Board: appointment of members (P.180/2010)

The Bailiff:

We come next to Projet 180 - Jersey Bank Depositors Compensation Board: appointment of members - lodged by the Minister for Economic Development. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion in pursuance of Article 10 of the Banking Business (Depositors Compensation) (Jersey) Regulations 2009 to appoint the following as members of the Jersey Bank Depositors Compensation Board with effect from the day following the States' decision for a period of 5 years: Mr. Roger Bignell, Chairman, Mr. Frank Dearie, Advocate Simon Howard, Mr. George Kean, Mr. Paul Leary, Mr. Mark Wildman.

3.1 Senator A.J.H. Maclean (The Minister for Economic Development):

The Jersey Bank Depositors Compensation Board is being established to administer the Jersey Bank Depositors Compensation Scheme approved by this Assembly. Under the terms of the Banking Business (Depositors Compensation) (Jersey) Regulations of 2009, members of the board are to be appointed by the States on the nomination of the Minister for Economic Development. I therefore nominate and propose under Article 10 of the regulations that the States appoint the following individuals as members of the Board for a period of 5 years: Mr. Roger Bignell, Mr. Frank Dearie, Advocate Simon Howard, Mr. George Kean, Mr. Paul Leary and Mr. Mark Wildman. Mr. Bignell is nominated as both a member and as chairman of the board. These nominations follow an open and transparent selection process. A selection panel comprising senior States officers and a member of the Jersey Appointments Commission interviewed several candidates. The panel recommended that these 6 individuals should be nominated to serve on the Board. I accept the recommendation. The Jersey Appointments Commission has confirmed that these appointments meet the relevant requirements as set out in its Code of Practice for appointments to autonomous and quasi-autonomous public bodies and tribunals. Mr. Roger Bignell

trained as an accountant in the U.K. public sector, specialising in audit before moving to Jersey in 1979 to take up the post of the States Chief Internal Auditor. He moved to the Financial Services Department as Director of Banking and was responsible for the drafting of the Banking Business (Jersey) Law in 1991. Mr. Bignell chaired the group that produced the first anti-money-laundering guidance notes and was involved in the mutual evaluations of the anti-money laundering practices of Cyprus and Malta as part of their applications for membership of the European Union.

The Bailiff:

Senator, it is obviously a matter for you and for Members but these details are set out in the report and I am not aware that normally in these sorts of appointments the proposer necessarily goes through the biographical details again but it is entirely a matter for you.

Senator A.J.H. Maclean:

It was simply my intention to go through the details of the chairman of the board, Sir, and then allow Members to ask questions if they so desired on the remainder. I was not going to go through all 6.

The Bailiff:

I see.

Senator A.J.H. Maclean:

But thank you, Sir. Just to finalise the details regarding Mr. Bignell. With the creation of the Financial Services Commission in 1998, Mr. Bignell had the dual role of the Director of Authorisation and Deputy Registrar of Companies. He retired in June 2004 since when he has been involved in activities within the community, including membership of the Public Accounts Committee between 2005 to 2009, Trustee of Jersey Community Savings Trust and a volunteer member of the Citizens' Advice Bureau. The details of the remaining members of the board, the remaining 5, are within the proposition and Members can see. I am more than happy to go through any additional details on those if they so desire but, Sir, I nominate these 6 individuals for appointment as members of the Jersey Bank Depositors Compensation Scheme.

The Bailiff:

Are the nominations seconded? **[Seconded]** Does any Member wish to speak? Yes, Deputy Tadier and then Deputy Higgins.

3.1.1 Deputy M. Tadier:

It is simply a question to ask why there are not any females on there. There are 6 individuals; coincidence?

3.1.2 Deputy M.R. Higgins:

Just a question. First of all, I will just say that I have worked with 2 of the people on this panel and I have felt respect for both of them. That is the chairman and also Mr. Paul Leary who both worked at the Financial Services Commission during my term there.

[12:00]

My question is although it says there are no financial or manpower implications to the States arising from the proposition, are these people being paid a retainer or any sum until in the event that we all hope will not happen, where there is a bank failure where they will be brought in as fulltime people, and can the Minister please tell us what salaries would be paid in the event that there was a bank failure and they were called in, if that has been decided.

3.1.3 The Deputy of St. Mary:

I would add to the previous question for honorariums as well as salaries. Yes, I too was on the Scrutiny Panel that looked at this in some depth and at some length and I just want to ask a question about the interview procedure in paragraph 3, and I would say that just another reminder to Ministers. This is less than transparent and it would just be helpful to Members if we could be told how many candidates applied and how many were interviewed and so on. It is very, very ambiguous the way it is written and I leave it at that. I would just ask for clarification from the Minister.

3.1.4 Deputy J.M. Maçon:

Also being one of the Members that scrutinised the piece of legislation, I would like to thank the Minister for being able to appoint these Members. It was vitally important the panel felt for the credibility of the entire scheme to have a panel in place. Will the Minister give an undertaking that this will be publicised again? It is for the reputation of the Island that this has now been put in place, so I ask the Minister that. I thank the Minister and the House for adopting this recommendation from Scrutiny. It shows that the Scrutiny system does in some cases actually work and I will leave it at that.

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

I am motivated to rise on the speech of Deputy Higgins who pointed out, and that of the Deputy of St. Mary, who asked about honorariums and remuneration. I would also like to ask in that vein of the Minister for Economic Development what budget will be given and set aside, and how that budget will be set aside within his portfolio and held accountable by the States Assembly. The reason why I ask this is that yesterday we had tabled - and I agree with this - the amendment by the Minister for Economic Development on the Shadow Boards of the harbours and airport which he is kindly bringing to the States Assembly, but in his amendment he says there are no financial considerations for the States arising thereon from the proposal he is bringing, purely because of course he is just debating the terms of reference, but we all know it is going to cost at least £120,000 a year. Yet, he is able to put within that statement there are no financial consequences. £120,000 in my mind does not equate to no financial consequences. Moreover, and more importantly the Shadow Board is now able to - and this is important for P.A.C. (Public Accounts Committee) to take on board - commission reports that could be extremely expensive.

The Bailiff:

Deputy, I am sorry but we are not discussing that Shadow Board. We are discussing the bank depositors.

Deputy P.V.F. Le Claire:

Yes, Sir, this is what I am asking. Does the budget that will be set aside, if any at all, enable the Shadow Board to commission reports?

The Bailiff:

I am sorry, Deputy. This is not a question for this debate. You can ask what the financial consequences of this particular matter are.

Deputy P.V.F. Le Claire:

Right, Sir.

The Bailiff:

You cannot start asking whether a different board, which we are not considering, can instruct other people.

Deputy P.V.F. Le Claire:

Thank you, Sir.

The Bailiff:

Sorry about that. The Connétable of St. Brelade?

3.1.6 The Connétable of St. Brelade:

One thing I would ask the Minister is what he envisages the work input of the board might be... and I say that with a degree of conflict because I would say that Mr. Bignell, the chairman, is an excellent chairman of the St. Brelade's Rates Assessment Committee, and I would not like to lose him. [Laughter]

3.1.7 Deputy S. Pitman of St. Helier:

Would the Minister tell Members what arrangements will be put in place when things go wrong, i.e. the formation of the board, who will do what, and thereon?

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Minister to reply.

3.1.8 Senator A.J.H. Maclean:

I will just answer the few brief questions. Deputy Tadier asked why there are no ladies on the board. It was quite simply, as far as I am aware there were no applicants from ladies, which is clearly a disappointment. Having ladies on a board such as this does give a good balance and all we can do is advertise the post and hope that a good balance of people come forward. Nevertheless, those that have been selected I have every confidence in. Deputy Higgins asked about the way in which the board was going to operate, in particular whether it was going to be paid or what the payment was going to be. I should point out to Members, I perhaps did not make this clear, that the role is an honorary role and so there is no payment to the members of the board during or unless, I should point out, there is in fact a very unlikely event of a bank failure, when it is intended that members of the board will be paid of a similar salary to those of the commissioners of the J.F.S.C. (Jersey Financial Services Commission) for the period during which they are administering any such failure. This, as I say, in the very unlikely event that there is such a failure. The Deputy of St. Mary has asked about the process. Of course, these particular posts were advertised and the whole process was handled by the Appointments Commission. I believe that makes it entirely transparent and open. I think he was interested also in the numbers. The numbers were relatively low in terms of applications to this particular board. There were in fact 8 applications in total and from that 7 interviews ensued and the board of 6 was appointed. As I say I think the quality of the board we have got is of a very good, a very high standard. Deputy Maçon asked if it would be publicised. The answer is yes, I certainly hope that this debate and the way it is reported will be a start in that process but members of the public can rest assured that even prior to this board being put in place there was an effective depositor compensation scheme effective in the Island from the moment in 2009 this Assembly approved that particular legislation. The post and role of the board would have been undertaken by the Minister for Economic Development in the event of a failure should one have happened. Of course there has not been one thankfully and one would not expect there to be. Deputy Le Claire asked about budget. I hope the answer has been largely given to him in event of the fact that there is no failure. There is indeed no budget requirement certainly from my budget from Economic Development. If there are any costs associated with the board there is going to be, in terms of the running costs of the board, an annual levy on banks. The banks will pay, not the department, and that has been agreed. I would add that the Constable of St. Brelade was concerned about somebody who works very diligently, Mr. Bignell, within his Parish. I do not think the pressures of this board as it currently stands will impose upon him in too great a way. There is an intention by the board to have a meeting twice a year. I do not think that should affect the Parish of St. Brelade. Of course, if there were a bank failure that might well take up a bit more of his time. Finally, Deputy Shona Pitman I think wanted to know the detail of how the board is going to function. Clearly, most of the details were laid out

in the regulations when this was approved by the States originally, but the actual workings of the board have been agreed and will be dealt with by the board in terms of the failure procedures. That indeed is what they are there for, to ensure that there is a seamless transfer should there be a failure and that all the funding and so on is properly activated. One of the key elements is that members of the community in the event of a failure should receive a minimum payment of £5,000 within 7 days, and so there has been a considerable amount of work put in place to ensure that there is a revolving credit available to be able to deliver upon that undertaking. I think and hope that answers all Members' questions and I maintain the proposition.

Deputy J.M. Maçon:

I did not mean to interrupt the Minister while he was speaking, but just to have that point of clarification he did say about the payment of £5,000. I understand that was only after receiving a valid application and just to clear that, I hope the Minister will confirm.

Senator A.J.H. Maclean:

Yes, indeed that is absolutely correct.

The Bailiff:

Very well, all those in favour of adopting the proposition kindly show? Those against? The proposition is adopted. Now, there are 2 other matters listed for possible debate. They are Jersey Overseas Aid Commission: appointment of non-States Commissioner, Projet 183 lodged by Deputy Gorst, and Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act, Projet 184 lodged by the Chief Minister. The Assembly needs to agree to take these because they were not originally on the Order Paper. Does the Assembly agree to take them?

4. Jersey Overseas Aid Commission: appointment of non-States Commissioner (P.183/2010)

The Bailiff:

Very well, then we move then to Jersey Overseas Aid Commission: appointment of non-States Commissioner, Projet 183 lodged by Deputy Gorst. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with clause 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005, Mr. Geoffrey George Crill as a non-States Commissioner for a period of 3 years.

4.1 Deputy I.J. Gorst:

Yes, it is a simple matter. It gives me great pleasure to propose Mr. Crill for a second term of office as an Overseas Aid Commissioner. He has brought his invaluable legal experience to the group of commissioners and I commend him to the Assembly.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well, all those in favour of the proposition? The appel is called for then in relation to the proposition of Deputy Gorst, projet 183. I invite Members to return to their seats and the Deputy will open the voting.

POUR: 45		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Senator S.C. Ferguson		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				

Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (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 I.J. Gorst (C)				
Deputy of St. John				
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 D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

5. Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act 201- (P.184/2010)

The Bailiff:

Very well. Then we come to the final matter on the Order Paper which is the Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act, Projet 184 lodged by the Chief Minister and I will ask the Greffier to read the Act.

The Greffier of the States:

Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act. The States, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951, have made the following Act.

5.1 Senator T.A. Le Sueur (The Chief Minister):

Jersey has always been proud of its traditions and links with the royal family and I know that on the occasion of the announcement of the marriage of His Royal Highness and Miss Middleton you did indeed write to congratulate them. It has been agreed in the U.K. that the day of the wedding should be a public holiday to recognise the importance of the occasion and the joy which this will bring to the couple and to the royal family, and it would be remiss of the Island, I believe, not to follow suit. I therefore propose that we should also mark the wedding day, 29th April 2011, as a public holiday and I so propose.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Deputy of St. Martin?

5.1.1 The Deputy of St. Martin:

Yes, not that I want to vote against it but I would just like to ask, this is going to cost £1.5 million. Where has the money come from and was it allocated in the budget?

5.1.2 Deputy M. Tadier:

I am quite happy to support this. I just have the question of course that it is good that we can do this but when it comes to our own Liberation Day this year we clearly could not do it. I think the question from the Deputy of St. Martin, the answer will of course be that the £1.5 million is mostly a notional cost and it is not a real cost. Of course, that argument was not used in my debate to do with giving people the Sunday as a bank holiday. So, clearly we have seen an erosion of our own traditions even though some traditions to do with the royal family can be acknowledged, which I do not have a problem with but it is clearly one standard for one, one for the other. Thankfully enough, the workers of Jersey will have an extra day off in 2011 perhaps to make up for those who were forced to work on Sunday last year on Liberation Day without any kind of remuneration advantage for that.

5.1.3 Deputy T.M. Pitman:

Just really to follow on from Deputy Tadier what everyone thinks of monarchies and royalty, obviously we all congratulate the couple, however I have to echo the fact that is it not a shame that we cannot value Boxing Day and allow families to have more time together, yet when something like this comes along we can recognise the value but people have got to get up at 6.00 a.m. in the morning or be threatened with the sack and there was a proposition brought on this, I recall, and what a shame it seems to be again about who brings things. It is very sad but congratulations to the couple.

[12:15]

5.1.4 The Deputy of St. John:

As a royalist, I am very happy to see this but did the Minister - congratulations aside to the young couple - speak to the business community because if it has cost the States £1.5 million has he any indication what it is costing for the business community to have this day off and could he give that information to the House, please?

5.1.5 Deputy J.A. Hilton of St. Helier:

I stand to support this proposition. I think this is a wonderful occasion for Islanders to celebrate the marriage of His Royal Highness, Prince William, and Miss Middleton and also I would just like to mention that the Deputies of St. Helier, No. 3 and 4 Districts, through their association in conjunction with St. Andrew's Church, are already in the process of arranging an event in St. Andrew's Park to celebrate and for all the community to come together.

5.1.6 Deputy J.G. Reed of St. Ouen:

Although I support this proposal I would just like to take the opportunity to explain the position of the department. We have published term dates and schools are supposed to start on 28th April and as such the department will be actively considering how we address this matter in the next couple of days.

5.1.7 The Connétable of St. Mary:

I rise. I am in a difficult situation because I have been strangely enough ... in the previous debate people made a lot of play of how many people had contacted them about the Senatorial position. I have had no end of people contacting me about this, much more than about the previous debates, strangely enough, and every single one I have to say has said: "We cannot afford to do this." Every single one has said: "It is fabulous, it is wonderful, we support the royal family and we support this marriage, it is wonderful news, but in times when the Government is imposing restrictions to put aside £1.5 million is unthinkable." I am in a real cleft stick because I really do feel this is a fantastic cause for celebration and something that I was so pleased when we had the news of the engagement. I was really bowled over by it, so it is very difficult, and there is also, it has been alluded to I think by the Deputy of St. John, a huge cost to the wider community. We know it will be £1.5 million to the States as public employees but the consideration goes a lot further than that, and I probably will have to abstain from this vote and it is difficult for me because I think the marriage is wonderful, it is fabulous, but I have to look at the practical side. I am asking the people of this Island through our Government to make some terrific sacrifices. Maybe this is a reward for their sacrifice or maybe they preferred if the reward be a reduction in a waiting list for something else. It is very difficult, but I would say that in St. Mary's I am planning to have a very audible celebration on the day. I hope that our church bells will be reinstated by then so we will hopefully be ringing them all day.

5.1.8 Deputy C.F. Labey of Grouville:

As a monarchist I very much support this holiday and I am sure many people who have the time off will view it on the television and what have you. I am extremely disappointed with the stance of Education, Sport and Culture that 3 months before this event we do not have some sort of concrete ruling as to what the schools are doing. As it stands at the moment the schools are due to go back on 28th April for one day then be off again, then have the bank holiday off. The Catholic schools have had the foresight to come out and make a ruling on this and I think [Laughter] ... and I would like to see some consistency and I take on board what the Constable of St. Mary was doing, how can we possibly afford this? Well, I will throw this into the pot, we are going to be celebrating the May Day holiday, which I do not know quite what the significance is to us, so I will put it into the pot: use our imagination, let us have the 29th off and let us work on May Day holiday.

The Deputy of St. Ouen:

As a point of clarification, the department is unable to make firm decisions until the States have decided whether indeed the 29th will be a public holiday.

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

We celebrated being a royalist Island from 1204 *et cetera*, and I think we should continue and celebrate even at this time of depression, as has been described by some. It is a wonderful piece of good news, and yes we have got to be able to afford it for the benefit of our Island and the people that live in it.

5.1.10 Deputy P.V.F. Le Claire:

I had a phone call from a constituent who said: "What are the States doing, surely they are not going to not give us this bank holiday, are they, surely they are not going to ...?" I said: "No, it is definitely going to go ahead because the Chief Minister's bringing it and it is obviously going to

get the support of the Assembly, so do not worry.” But, I think that while there are concerns maybe about expenditure, once they are married, we are not going to expect them at some point to come to Jersey, they will not be honeymooning in St. Mary. **[Laughter]** That is for certain. Not now, anyway: “Oh, yeah, we will go see the other 11 Parishes, oh just take a quick detour around St. Mary.” I think that this is an opportunity. We have called upon our allegiance upon the Crown over the centuries and I think this is an opportunity for us to not only show some respect to that allegiance but also to give the people of Jersey an opportunity to have a day off even if they do not want to watch the wedding, they have the opportunity to at least have a day off. Come on; let us not be miserly about this. We have got millions in the bank and this is a double-edged sword. We not only cut a cross that we can afford but we cut one that is in alignment with our history. We have got hanging over our heads our history, *et cetera*. Come on.

5.1.11 Senator T.J. Le Main:

I would like to go home. **[Laughter]** Nice to see him awake.

5.1.12 Senator S.C. Ferguson:

If the Connétable of St. Mary has had so much negative reaction, perhaps she might have given thought to bringing it up at a Parish Assembly? Now, apparently the wedding presents, apropos the wedding list and the wedding presents, I understand they will be asking for donations to various charities. Is there perhaps a way we can give to charity and give to our own Overseas Aid Commission?

5.1.13 Deputy I.J. Gorst:

Simply in the light of a previous speaker perhaps I could ask the Chief Minister if he would speak to His Excellency and indeed invite them to Jersey for their honeymoon.

5.1.14 Deputy M.R. Higgins:

I support this holiday but wish that the States would look more positively at additional public holidays for Islanders who have less than in most countries. People in this Island are working extremely hard putting in long hours and it is having a detrimental effect on family and societal life. This morning - I think it was this morning or maybe yesterday morning - Patricia Tumelty was on Radio Jersey talking about children and one of the things that got me was a statement was made: “Why do children talk so quickly these days?” and the answer is they only get about 2 minutes to put over what they want to their parents because that is about as much as they see of them. So, I think we should be looking not only at the direct cost of holidays to business but we should be also looking at the indirect cost to society.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Chief Minister to reply.

5.1.15 Senator T.A. Le Sueur:

Proposing changes to public holidays is never as simple as it seems, but I do thank all those who spoke and the general support that this proposal has rightly received. A question arose about the financial implications. Of course, what we have here is a cost; the total cost to the States for a day’s work is £1.5 million. The additional cost is mainly in respect of people employed at places like the hospital and other shift workers and that cost of course is considerably less, so the additional budgetary cost is just over £150,000 which will have to be met by departments concerned. But, that should not put us off having that as a public holiday. The Deputy of St. John asked quite rightly about the effect on the business community, the financial effect there, and I accept that that is certainly not included in this proposition or reported on it. I have had words with the Chamber of Commerce in this respect and they do express their concern that this will make a long weekend which could, in their view, be detrimental to the business effects of the Island. On the other hand, I pointed out to them the effect of a long weekend could be a considerable boost to

the local tourism industry and that they ought to try to make a positive out of this rather than a negative. So, to those who say we cannot afford to do it, as I say the additional cost is something like £150,000 being met by departments, but there is a cost to the business and personal community and I do appreciate that. That is something which I think we have to balance against our pride, if you like, in the royal family and the fact that royal weddings of this nature are not things which happen on an annual basis, but when they do happen on an occasional basis they deserve the attention and the ceremony and the celebration such as this one does. I believe that this proposition does what it says in that it is purely about the date of the bank holiday. It does not talk about wedding presents, donations, other potential bank holidays. One step at a time. The important thing is to get this date known so that, for example, the Education Department can make the announcement that they wanted to make and other businesses and other people can plan for that day and that weekend. I hope and I am confident that Members do endorse and appreciate the pleasure which this bank holiday will bring to many, although I do appreciate that there will be some people who nonetheless have to work on that day, public holiday or not, and to them in advance I offer my thanks as well. I maintain the proposition.

The Bailiff:

Very well, all those in favour of adopting the proposition, kindly show? Those against? The appel is called for in relation to the proposition. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 48		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy S. Pitman (H)		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
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 of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
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 T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

6. Statement by Senator F.E. Cohen regarding appointment of an additional Assistant Minister

Senator F.E. Cohen:

May I make a brief statement regarding the appointment of an additional Assistant Minister?

The Bailiff:

If you wish.

6.1 Senator F.E. Cohen:

I am delighted to announce that the Chief Minister has agreed to my appointment of Deputy Collin Egré as an additional Assistant Minister for Planning and Environment. Deputy Egré's responsibilities will be limited to Planning, thus maintaining the Assembly's wish to have a clear separation between Planning and Environment. Deputy Duhamel who carries out his duties with great competence will continue as Minister with special responsibility for the environment. Deputy Egré will resign from the Planning Applications Panel. This will continue to be chaired in an exceptionally competent manner by the Constable of Trinity. I look forward to working with Deputy Egré on planning matters.

6.1.1 The Deputy of St. John:

Can we put questions to the Minister on his statement?

The Bailiff:

Well, I did not really interpret it as an official statement. It was really informing Members of what he has done.

The Deputy of St. John:

Well, there are implications, given it is a statement. It has implications once again to Scrutiny. We are short of members across the board in Scrutiny and in the last couple of weeks we have seen changes happening and at least the Senator has some courtesy to notify the House, which has not happened on the other occasions, but it would be useful if the Minister or the Chief Minister were to speak with the chairman of the Scrutiny Panel concerned and also the President of the Chairmen's Committee, because these do have implications further down the line when people are removed who are active within Scrutiny. Given we have over a dozen Members who are Back-

Benchers who do not partake in Scrutiny, something needs to be done and I am hoping the P.P.C. are listening.

6.1.2 Senator S.C. Ferguson:

Are we having a debate on the announcement or may I make another announcement?

[12:30]

First of all, I can assure the Deputy of St. John that I was informed by the Chief Minister about these changes well before today. I have been well aware of them. The panel is extremely sorry to lose a very valuable member of the panel. The Deputy of St. Peter has been most diligent in the work of the panel and I am quite certain he will apply the same qualities in his new position. We will miss the Deputy but we wish him well. At the same time I would like to nominate a new member to the Corporate Services Panel, Deputy De Sousa. Deputy De Sousa was the vice-chairman of the sub-panel on the States of Jersey Development Corporation where she did a sterling job, and I look forward to working with her in the future, subject of course to the agreement of this Assembly.

The Bailiff:

Is the nomination seconded? **[Seconded]**

Senator A. Breckon:

I wonder, procedurally, if I could ask something of you. What we have got is Senator Ferguson has just said she has known for some time, the Minister for Planning and Environment has just given a statement at the eleventh hour, as it were, and then we have just had a nomination for a panel. Procedurally, can I ask you if this is correct?

The Bailiff:

Well, it is permissible in the sense that under the rules where a vacancy arises and is notified a nomination can take place.

Senator S.C. Ferguson:

Perhaps I could explain that this is coincidental, rather than intentional. I can assure the Senator that this just happened, serendipity. It all happened to fall together at the same time.

The Bailiff:

Well, are there any other nominations for the position of membership of the Corporate Scrutiny Panel?

Deputy R.G. Le Hérisier:

Sorry, I think it would be advisable to wait until the next session just to give a breathing space because there may be another Member who has an interest.

The Bailiff:

It is a matter for the chairman of Corporate Scrutiny Panel. Chairman, do you wish to perhaps take account of the fact that Members might wish more time to consider whether any other nomination should be put forward?

Senator S.C. Ferguson:

With respect, I have not noticed people beating a path to our door.

The Deputy of St. Mary:

People have not been beating a path to the Senator's door because nobody knew about it.

Senator S.C. Ferguson:

We have been running light for some time. I cannot stand up at the beginning of every session and say: "I need more members."

The Bailiff:

But it may be that Members feel that with these sorts of matters it is useful for there to be a certain element of notice, which there usually is, of course, because the matter goes on the Order Paper.

Senator S.C. Ferguson:

If the House feels slighted by this then, by all means, we can defer it to the next session.

The Bailiff:

Very well, that seems the most sensible call.

Deputy M. Tadier:

I simply wanted to ask if it is possible to ask Senator Cohen questions following his statement and if not, is it possible to make a soliloquy, perhaps, in the same way that the Deputy of St. John did.

The Bailiff:

Yes, I think, technically, the Minister has made a statement on it for business so if Members wish to question him they may.

6.1.3 Deputy M. Tadier:

My question is, and I accept this is not within the control of Senator Cohen, but the first question is the appointment of another Deputy, sorry another Assistant Minister, seems to imply that - and I think it is probably the case - the Senator will be taking a back seat in the Planning and Environment Department because it seems to me that, effectively, what we have seen here, although it is technically within Standing Orders, and all is above board in that sense, what we have seen in the last week is the appointment, effectively, and the creation of a new Ministry, that of a Ministry of Foreign Affairs and we have seen the promotion of my good colleague, the ...

The Bailiff:

If you are going to come to your question, come to it.

Deputy M. Tadier:

Yes, this is the question, because I am asking if he agrees with it and if he thinks it is best practice. That will be the tag line. Does he agree that this is best practice because we have, effectively, now got 2 Ministers, the way I see it and other Members see it, over whom we have had no control and no say in appointing them? While, clearly, I wish Senator Cohen, Deputy Duhamel and the Deputy of St. Peter all the best in their new roles, I would have liked to have endorsed ...

The Bailiff:

Right, I think you have asked your question ...

Deputy M. Tadier:

Does the Minister share my concern?

The Bailiff:

It is so long, Deputy that it is not clear to tell what your questions are.

Deputy M. Tadier:

Does he share my concerns?

The Bailiff:

That is why questions are kept short. Do you agree with all or anything of what the Deputy has said? [Laughter]

Senator F.E. Cohen:

I think Deputy Tadier's comments were somewhat confusing. However, as far as his question, will I be taking a back seat role? No, I most certainly will not be taking a back seat role and will continue to carry out my duties of Planning and Environment with the usual enthusiasm. As far as the process of appointment, I am afraid the process of appointment is not my fault. That is the process of appointment and until it is changed that will remain the process of appointment.

6.1.4 Senator A. Breckon:

Can I ask the Minister for Planning and Environment, as he has made this statement fairly late in the day, when he was in discussion with the Chief Minister and the Deputy of St. Peter and who else knew before he has made the statement and when?

Senator F.E. Cohen:

I have been in discussions with the Deputy of St. Peter for about a year. He is quite enthusiastic to become involved in the Planning Department and in the planning process generally. The Chief Minister and I have been in discussions over the matter probably for around a week.

6.1.5 Senator J.L. Perchard:

I think I heard right that the Minister has appointed the Deputy of St. Peter to deal with planning matters. Does he, like me, regret that he made the decision to retain the Odeon Building on the historical building register before making this appointment?

The Bailiff:

That does not arise out of the appointment. [Laughter]

6.1.6 Deputy R.G. Le Hérissier:

There seems to be a paradox in the Minister's answers. At one point he stated that he would look at all planning matters down to the design of door handles. Could he identify what the job is, given he said he will now remain in a detailed relationship with planning? What job will the Deputy of St. Peter perform because of his planning? What job will he perform?

Senator F.E. Cohen:

Deputy Le Hérissier seems to continue to misrepresent what I said. I never said that I would look at every application down to the door handles. I said that I would look at the Waterfront application down to the door handles and that is exactly what I have done. I will continue to have an active involvement in all important planning applications, which is what I have been doing for the last 5 years. The Deputy of St. Peter will be assisting me in relation to matters concerning supplementary planning, guidance master planning and other general matters in the planning portfolio.

6.1.7 Deputy M.R. Higgins:

I am hoping that the Minister will answer all of Senator Breckon's questions. Who else knew, when did they know and so on?

Senator F.E. Cohen:

As usual there is some suggestion of conspiracy. There is not a conspiracy here at all. The Deputy of St. Peter is enthusiastic to take on this particular role. I have discussed the matter with the Chief Minister over the last week. I cannot tell Members the exact day. There is not anything behind it at all other than the fact that the Deputy of St. Peter is enthusiastic to have a direct involvement in the Planning Department.

6.1.8 Deputy P.V.F. Le Claire:

It was interesting that I did not know there was a position available for another Assistant Minister and I asked. I only found out when Deputy Le Fondré turned it down. I am just wondering how he squares the circle on the paradox that the Deputy of St. Peter has been asking for a year, but he offered it to Deputy Le Fondré just last week.

Senator F.E. Cohen:

I cannot help the fact that the Deputy of St. Peter has been interested in the job for some time. I think it is a mark of his enthusiasm that he has been interested for some time and, yes, the case is I did offer the position to Deputy Le Fondré and Deputy Le Fondré decided to turn it down.

6.1.9 Deputy J.A. Martin:

I am sorry. Obviously, this has been agreed but I cannot work out the numbers because we seem to have lost one Assistant Minister, gained not another person but another Assistant Minister and then we have an Assistant Minister for Planning. I work it out, without the Chief Ministers, we have 23 Assistant Ministers' posts. [Aside] I am sorry. I do not understand where ...

The Bailiff:

Clearly, calculations need to be done to make sure there is no infraction of the Standing Order.

Deputy J.A. Martin:

I think there is.

Senator T.A. Le Sueur:

I did do the mathematics before I gave the consent and unless my additions are wrong, which is quite possible, although I doubt it, we have the full 23.

Deputy J.A. Martin:

Yes, but is the Minister not getting around this by using one person but he is the Minister and an Assistant Minister, and it is really stretching the rule a bit. I mean, it really is.

The Bailiff:

Well, the Greffier has advised me that the calculations have been done and all is in order in connection with the Standing Order. Are there any other questions?

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

Notwithstanding that we will shortly be debating the appointment process for Assistant Ministers. We heard yesterday that the Minister for Education, Sport and Culture had asked for expressions of interest in the role of Assistant Minister which does not appear to have happened in the recent appointments. I wonder if the Minister would be able to tell us what particular skills he felt that Deputy Le Fondré would have brought to the role and what skills he feels that the Deputy of St. Peter will be bringing?

Senator F.E. Cohen:

I do not think it would be appropriate to refer to Deputy Le Fondré as he turned down the role. But I can say in relation to the Deputy of St. Peter that he is, I think, the only Member who has consistently shown such an interest in taking up a position as Assistant Minister for Planning and Environment. He is at the department virtually every day, some would say every 5 minutes, and he has a most enthusiastic interest in planning and I am sure that he will have a great deal to offer. It was not a case of asking for expressions of interest because I think I talk to Members regularly and had other Members been interested over the last years I am sure they would have expressed that interest to me. Thank you.

6.1.11 Connétable J.M. Refault of St. Peter:

Really just to ask the Minister for Planning and Environment, would his new Assistant Minister have any influence on turning green houses white.

Senator F.E. Cohen:

It has been made quite clear to the new Assistant Minister that parochial matters, while he is Assistant Minister, should be put largely to one side when they relate to planning.

Senator T.J. Le Main:

I would still like to go home. [Laughter]

6.1.12 Connétable J.L.S. Gallichan of Trinity:

Hopefully, this will wind up the debate. Could I just, on behalf of the Planning Applications Panel, on which the Deputy of St. Peter sat with us, thank him for his work over the last couple of years? The Planning Applications Panel is a very interesting part of politics. It is amazing how many people seem to be very unhappy when we pass something and sometimes it is the other way around, but could I just thank the Deputy for his help and common sense over the last couple of years. Thank you very much. [Approbation]

The Bailiff:

Very well. Perhaps just for the sake of good order, I could formally notify the Assembly, although it has already been referred to, that the Deputy of St. Peter automatically ceases to be a member of the Corporate Scrutiny Panel and the Privileges and Procedures Committee and has tendered his resignation and has resigned from the Planning Applications Panel and the Legislation Advisory Panel.

6.1.13 The Connétable of St. Mary:

Following from that statement, it is true indeed. I was aware that the Deputy of St. Peter would have to resign from the Privileges and Procedures Committee where he is the vice-chairman. I would like to thank him for his service to the committee over the time that I have been chairman. That, of course, means we have a vacancy for a non-Ministerial member on the Privileges and Procedures Committee. I would ask if any Member who would wish to take up that role could contact me. We do have a meeting of the committee next week and that possibly would be a chance for me to discuss it with Members and I would hope at the next States Assembly to have a recommendation.

Senator T.J. Le Main:

I would like to but I am always being reported so there is no point in going. [Laughter]

Deputy M.R. Higgins:

Following on from the chairman of P.P.C. I give notice to the House that I will be nominating Deputy Trevor Pitman for the post.

The Bailiff:

Very well. So I think that concludes those matters so we come to M ... sorry, is there somebody that wants to ...

Deputy A.E. Jeune:

If I may? We have just been hearing Members pressing Ministers to give us answers, which is reasonable and fair. But when we ask in question time for answers, and the person may not necessarily have it with them immediately, what would be considered reasonableness as to when Members did get that answer afterwards. Because I asked 2 Ministers this week on Tuesday for

answers, understanding it was not in their heads, but I think their chief officers should have been able to supply it to them immediately and I am still waiting.

[12:45]

The Bailiff:

Well, I am not sure that is a matter for the Chair but no doubt you can take it up with the Ministers and, failing that, with the Chief Minister.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

If Members would cease talking we could move to the next matter, which is M, Arrangement of Public Business. Chairman, I invite you to see to that.

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

I seem to have been talking too much. I will be brief on this. M is as per the lavender sheet with the following changes that I am aware of. On 1st February we have an amendment lodged to P.170 and also an amendment lodged to P.191 of existing business. On the 15th February sitting we have 3 additional new lodgings: P.4 - Cold Weather Payments: amendment to income support - in the name of Senator Le Gresley; P.5 - Assistant Ministers: notification of appointments and dismissals - in the name of Deputy Le Claire; and P.6 - Assistant Ministers: appointments by the States - in the name of the Deputy of St. John. Those are all the changes that I have. But there is a lot of business for the next sitting and I would advise Members that it is likely to take 3 days.

The Bailiff:

Very well. Does any Member want to say anything?

7.1 Deputy P.V.F. Le Claire:

Sorry, I do apologise. Can I just ask when it is? I know I only lodged it yesterday but I have got a proposal in that a statement is made on every occasion a Minister assigns or de-assigns an Assistant Minister, as we have seen today with Senator Cohen a very valuable opportunity to put questions. I wonder if I can have that listed as soon as possible and when that soon as possible is. Can I have it listed for the 1st, if possible? So that we do not have any more ...

The Bailiff:

Yes, it will be lodged by session time, Greffier? Yes, so, 1st February. Do you want to add ... what number is it? Right. **[Aside]** It could only be debated from 2nd February onwards but as it is a long sitting no doubt that could be done.

Deputy P.V.F. Le Claire:

Thank you very much.

7.2 Senator A. Breckon:

There was another item that was down for today which is a projet I had about the Jersey Financial Services Commission: imposition of fines and I have asked for it to be moved to 29th March. If I could share with Members, the reason for that is I have been in discussions with officers at the Financial Services Commission and some of this work is underway. What they have said they will do in the meantime is leave that projet there as a backstop, were there to be a hiccup, but at the moment it is there but it is not ... and I have discussed this with the Minister for Economic Development, if progress has been made then I will withdraw it but it is there for now but may not be debated.

The Bailiff:

Does any other Member wish to say anything on the arrangement of public business for the future? Very well, do Members agree then to take, at the next sitting, the matters listed on 1st February as supplemented by the chairman and similarly note what is proposed for subsequent dates? Very well, so that concludes the business of the Assembly which will close until the next sitting on 1st February.

ADJOURNMENT

[12:49]