

2017.06.20

2. Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding the prospect of a Royal Commission to examine electoral reform: [1(363)]

Following the Assembly's recent rejection of proposals for electoral reform, and in light of previous suggestions that the subject be put to a Royal Commission in the absence of the Assembly being capable of finding a solution, does the Chief Minister intend to propose the establishment of such a Commission?

Senator I.J. Gorst (The Chief Minister):

Recent history would seem to demonstrate that whatever external work is commissioned or undertaken responsibility for achieving electoral reform rests with this Assembly. Even with a Royal Commission, as with previous reports from Clothier or the Electoral Commission, change can only take place when supported by the necessary majority of Members of this Assembly.

[9:45]

I remain hopeful that Members might return to this challenge after the next election and arrive at a proposal for positive change, which a majority can support.

3.2.1 Deputy S.Y. Mézec:

What will the Chief Minister himself be doing to ensure that this genuinely becomes a prospect after the next election seeing as this is an issue that has gone on now for 20 years and we constantly say: "Well, Members will have to deal with it or we can do it after the next election or after the next one" and simply nothing has happened. What will he personally be doing to make sure that that does not happen this time?

Senator I.J. Gorst:

The Deputy knows that my officers worked with P.P.C. (Privileges and Procedures Committee) and the Greffe officers to try to arrive at consensus among Members. P.P.C. were never allowed to bring that proposition forward because a Back-Bencher brought a proposition forward based roughly on the previous referendum. Members of this Assembly agreed something slightly differently in principle, regulations were brought forward. Some Members agreed the principle of that but in Second Reading then they had second thoughts. If I return to this Assembly, I have been party to agreeing that electoral observers will come to Jersey. I have given confirmation and approval to P.P.C. to do that. I think that that report, although it has fallen on deaf ears in this Assembly, that report will say something not very positive about our electoral system, and I think that that independent observation of how we currently work will be the catalyst to change.

3.2.2 Deputy A.D. Lewis of St. Helier:

My understanding was that electoral reform was a strategic objective of Senator Gorst's Government. Is he going to continue to ensure that it remains a strategic objective to ensure that we have the best democracy we can possibly have by pushing forward ideas and enthusiasm from the Council of Ministers? There seems to be a lack of leadership in the Council of Ministers on change. What can he do to ensure it is a key strategic objective and does he not agree that it should be?

Senator I.J. Gorst:

I think some Members of the Council of Ministers probably gave the most passionate speeches at the last States Assembly. Sadly they did not find favour with every Member. I will continue to drive

for change because as difficult as it is, and I understand respecting traditions and history is important, but I fundamentally believe that our institutions remain relevant by careful reforming of them. I think that all the options on the table at the last States sittings were worthy of support because they would have delivered some incremental change. So Ministers are going to continue working in that direction. We are now up against the time from what would be an acceptable time lag between change and an election, according to the Venice Commission, therefore I do not see that we will see any change this side of the next election. But, as I say, I am confident that those independent observers will say things that mean that every single States Member elected after the next election will have no choice but to address the difficult issue of appropriate democratic processes and an appropriately democratic electoral system.

3.2.3 Deputy M. Tadier of St. Brelade:

In a similar vein: does the Chief Minister agree that it is important, in fact vital, that any Chief Minister show proper leadership when it comes to electoral reform packages being put forward. Does he believe that he has shown proper leadership in terms of the electoral reform that he wanted to see in this Assembly?

Senator I.J. Gorst:

The Deputy knows, because I think from his time on P.P.C., he can criticise me - and we are going to have a day of criticising me, which I am looking forward to - he can criticise me for the implementation of laws which may not have changed, which are the responsibility of others. I very clearly put at the disposal of P.P.C. officers from my department to drive forward that consensus. That consensus, as he knows, never saw the light of day because of a proposal from a Back-Bencher, and I am not criticising that Back-Bencher because they took forward the reform, which was broadly what the referendum had suggested. Other than him bringing forward a proposition, which changes the responsibility for electoral reform from P.P.C. to the Chief Minister's Department or to some other ministerial department, that is where the responsibility lies. They have worked incredibly hard to try and deliver consensus but their own committee finally could not agree on bringing that forward.

3.2.4 Deputy M. Tadier:

Supplementary, if I may? The Chief Minister does not need to have a direct portfolio of what business is coming to the Assembly to have an opinion on it. Indeed, in many occasions, the Chief Minister does give his opinion and try to influence, quite rightly in many cases, what direction the States and other Members should be going in. Why was he completely absent when it came to electoral reform? We know he was an option B supporter at one point, did that support fade?

Senator I.J. Gorst:

The Deputy knows from looking at my electoral record that I supported option B, that I supported the implementation of the result of the referendum. Other Members in this Assembly did not. At the last States sitting I supported when I was in the Assembly the amendment to the legislation of Deputy Andrew Lewis. Other Members did not. It became apparent to me that when other Members were not supporting those amendments that it was not going to be successful and so it was proved. I am absolutely clear - absolutely clear - but it falls on deaf ears, as the Deputy knows, we must reform our electoral system. We will be found wanting.

3.2.5 Connétable J. Gallichan of St. Mary:

While we may have missed the opportunity to reform the electoral system before the next elections I have made my views known that I believe machinery of government must be reformed either

before or in conjunction with electoral reform. Does the Chief Minister share that view and if so, what is he doing about it?

Senator I.J. Gorst:

I am not sure it is connected, but I wholeheartedly agree with the Constable of St. Mary, and that is why I have currently ... I think they are currently - I signed a Ministerial Decision for law drafting instructions to go to the law drafting officers to bring forward changes to the machinery of government. For me there is a fundamentally critical issue that this Assembly needs to grasp with, and I know that it is difficult. I know that there are strongly held views on both sides of the argument and that is the Troy Rule. The Troy Rule means that Members of this Assembly are not being involved rightly in the decisions of Government. It has to be reformed, and with that reform therefore requires reform of or changes to Scrutiny as well. I know not all Members accept that, but after the number of times that we have had ... or the length of time that we have had ministerial government now is the time for change. We have to move forward taking what is best from this system, looking to see what was best from the old system, and that was inclusivity, and deliver that change.

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

Would the Chief Minister not agree with me that voter equity is far more fundamental than machinery of government reform? Is it not an indictment of our Government that in 3 and a half years we have effectively condoned a system which anywhere else would be called gerrymandering, where people have more political power depending on where they live? In the last sitting we had a vote that affected St. Helier intimately, which was a tied vote, and St. Helier representatives, St. Helier electors, had less say in the outcome of that debate than residents, for example, of St. Mary and St. John.

The Bailiff:

Was there a question there?

The Connétable of St. Helier:

I did ask whether the Minister agreed that it was an indictment of our system.

The Bailiff:

Did you agree with that speech, Chief Minister?

Senator I.J. Gorst:

I understand exactly what the Constable is saying. At the heart of our system is an unfairness about what each individual vote represents when it comes to this Assembly. That has to change if we wish to retain or regain any credibility. I know that both of these areas are incredibly difficult because we come at them for different reasons. For some of us culture and history is fundamentally important. For others of us developing a modern democratic system, which can stand up to review of independent bodies and show that people's vote, once they get here, means the same, is more important.

3.2.7 Deputy A.D. Lewis:

The Chief Minister suggested that the Council of Ministers had been supportive of these changes. I am sorry, but the senatorial benches simply were not. Turkeys and Christmas comes to mind. I would like to know if the Chief Minister would support the motion that if a referendum was to be

held again that it should be accepted and it was wrong, fundamentally wrong, that it was not accepted by this Assembly last time; does he agree?

Senator I.J. Gorst:

Yes, it was fundamentally wrong. But Member after Member stood up after the result of that referendum and gave reasons, in their view, why they were not going to support it. Those Members, at the last election, were returned to this Assembly and they have maintained their view that for some of them no change is necessary and for others any change other than the change on the table is the one that they want.

3.2.8 Deputy S.Y. Mézec:

The Chief Minister spoke about his regret that the consensus approach between P.P.C. and the Council of Ministers on electoral reform did not end up amounting to a successful proposition. If he is so keen on that consensus approach would he agree not to pursue his plans to abolish the Troy Rule and allow Assistant Ministers to serve on Scrutiny given the widespread opposition there is to that idea from Scrutiny and from P.P.C.?

Senator I.J. Gorst:

Members cannot have it both ways. Either we think the current system is working well and serving the public well or we do not, and if we do not, and many Members who have come ... that I have spoken with over recent days do not think the current system is working well, we are going to hear later today all the issues arising out of the current system and how it works, then we are going to have to change. We cannot have it both ways. Either inclusivity around the Government of this Island is important and if it is it needs to change. If it is not then that is for each Member to make up their mind. I am absolutely clear, for my part, change needs to happen and what we miss now is a government of all the talents and a government that includes people who have got a valuable contribution to make and they are being excluded.