

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 19th JULY 2007

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

**PUBLIC BUSINESS - RESUMPTION**

**1. Composition of the States: referendum (P.86/2007)**

**The Bailiff:**

May I first of all say, although I think Members have already expressed their views, how delighted we are to see the Connétable of St. Saviour take his seat on the last occasion before his retirement. We salute his courage and his fortitude and I know that I speak for all Members without exception when I say that he will carry from the Chamber the affection and the very best wishes of us all. I know that if the Connétable should wish to address the Assembly during his last meeting he will be at liberty to do so from his seat. Now we come then to the proposition - or we return to the proposition of Senator Perchard --

**The Bailiff:**

I had the opportunity of discussing with the Greffier before the meeting resumed the provisions of paragraph (e) of the proposition and I think that Members ought to be aware and Senator Perchard, the proposer of the motion, perhaps might like to consider this in due course while perhaps other Members are speaking. It does seem to me that paragraph (e) of the proposition is difficult to reconcile with the proposition of the Comité des Connétables. If the Assembly agrees that all 48 Members of the States should be elected on a single election day and for a common term of 4 years, it seems to me difficult then to debate the proposition of the Comité des Connétables.

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

On that matter, would it be permissible perhaps to withdraw that part (a)(ii) of the proposition? In doing so it would retain the thrust of the proposition and all that would be required for it to fall in line with whatever decision would be made as to the future position allied to Deputies and Senators whereby then they would either remain as they are in 3 years or they would indeed increase to 4 years.

**The Bailiff:**

It does seem to me realistically that Members have a choice between approving the proposition of Senator Perchard which agrees that these different options should be put to the public in a referendum and approving the proposition of the Comité des Connétables which provides very specific changes in terms of the 12 Parish Connétables. It does not seem to me that Members can have it both ways and I just need to draw that to Members' attention before any voting takes place on the proposition of Senator Perchard.

**Deputy P.V.F. Le Claire:**

May I raise a point of order, Sir? Just for clarity because I believe there might have been some Members out of Chamber at the time, but during my speech yesterday I pointed out that there was a discrepancy in also section (f), Sir, and the Greffier did announce that it had been withdrawn.

**The Bailiff:**

Yes, paragraph (f) as I understand it, has been withdrawn by Senator Perchard.

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

It does seem, Sir, if we are going to be logically consistent that in that case perhaps (a)(ii) should be rejected as well. Because (a)(ii) was part of the previous P.75 and a referendum was being asked under (c) for (a)(i) and (ii).

**Senator J.L. Perchard:**

Can we be clear as to (a)(ii) appears on both the proposition of mine and the proposition lodged by the Comité des Connétables, can we be clear as to which we are talking about?

**The Bailiff:**

I see, yes. I assume that Deputy Duhamel is talking about paragraph (a)(ii) of this proposition under debate. Is that correct?

**Deputy R.C. Duhamel:**

It did appear in the previous P.75 as well, so if we are going to be consistent in declaring through the Chair, Sir, that one part is out of order, then indeed perhaps the other part should be as well.

**The Bailiff:**

Deputy, I think the view of the Greffier, having reminded me of the discussion we had some weeks ago, the view that I took when the proposition of Senator Perchard was approved was that there was a distinction between approving some of these propositions, for example (a)(i), (a)(ii) and even (a)(iv) and then putting those issues to the public by way of a referendum. I think one could say that the Assembly has rejected more than one of these different paragraphs in the decisions that have been taken over the previous days. But what is now under consideration is whether, notwithstanding that, all these options should now be put to the public in the form of a referendum. What I am saying to the Assembly this morning is that I find it difficult to reconcile the proposition of Senator Perchard in certain respects with the proposition of the Comité des Connétables and if Members are attracted to the proposition of the Comité des Connétables, then I think they need to consider that in the context of this proposition of Senator Perchard. I do not think Members can have it both ways. Is this a point of order?

**Senator J.L. Perchard:**

Yes, Sir, it is. You have explained that you find it difficult to reconcile the proposition of the Comité des Connétables with paragraph (e) of my proposition?

**The Bailiff:**

Yes.

**Senator J.L. Perchard:**

Would you explain as to why?

**The Bailiff:**

If the Assembly adopts your proposition, Senator, including paragraph (e), they will be agreeing that these options and the proposition that all 48 Members of the States should be elected on a single election day for a common term of office for 4 years should be put to the public. What the proposition of the Comité des Connétables asks the Assembly to agree is that the Connétables should be elected for a period of 4 years and, if the Assembly has approved the proposition, that this should be put to the public, but there is no point in putting that matter to the public as the States will already have approved it. But I am sorry and the Greffier points out that there is a further conflict which is the reference to a single election day and the proposition of the Comité des Connétables which talks about a day which is neither the election day for Senators nor the election day for Deputies.

**Senator L. Norman:**

I do not want to prolong this, but I just wonder if perhaps we are not being just a little bit pedantic. In fact paragraph (e) has got nothing to do with the referendum. What Senator Perchard is asking for is a referendum only on paragraph (a). Paragraph (e) is simply that this should happen if we have a single election day and there is also another fault in there of course, Sir, because it talks about 48 Members where, in fact, we do have 53.

**The Bailiff:**

I appreciate that, Senator, but these are propositions which the Assembly is being asked to approve and is then being asked to go on to debate something which is inconsistent. I do not think the Assembly can do that. The Assembly can certainly approve the proposition of Senator Perchard, but I think then the proposition of the Comité des Connétables must be withdrawn.

**Senator J.L. Perchard:**

May I make another point of order, Sir? The purpose of paragraph (e) in my proposition is exactly to do what it says, it is to create a single election day. I do not agree that the Constables should be elected on a different day to that of the House. I purposely want a single election day, a General Election and so I am prepared to run with this, Sir, and test the mood of the House.

**The Bailiff:**

That is perfectly proper, Senator. I am just pointing out that if the Assembly adopts this proposition, then I do not think it can go on to debate the proposition of the Comité des Connétables.

**Deputy P.V.F. Le Claire:**

Could I test the mood of the House, Sir? Could we put a proposition that the States move to the next item, please? I think this has become so entangled and flawed that it is not now a workable solution.

**The Bailiff:**

Is that proposition seconded? **[Seconded]** Very well, the proposition of Deputy Le Claire is that the Assembly moves to consideration of the next item on the Order Paper and I ask the Greffier to open the voting.

**POUR: 13**

Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy S.S.P.A. Power (B)  
Deputy A.J.D. Maclean (H)  
Deputy of St. Mary

**CONTRE: 29**

Senator S. Syvret  
Senator L. Norman  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator B.E. Shenton  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Saviour  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
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 P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy D.W. Mezbourian (L)  
Deputy S. Pitman (H)  
Deputy K.C. Lewis (S)

**ABSTAIN: 0**

**The Bailiff:**

The debate continues on the proposition of Senator Perchard. Does any other Member wish to speak? Very well, I call upon Senator Perchard to reply.

**Senator J.L. Perchard:**

I suspected this might be the case overnight, Sir, when we were in full swing yesterday with Deputy Le Claire finishing us off literally. Sir, Senator Norman in his speech yesterday said that he would have hoped that the States would have provided a more positive lead with greater clarity of direction with a referendum proposal. He expressed some disappointment that we were not more positive yesterday. But quite rightly and very importantly he said that this proposition maintains some momentum for reforming the make up of this Assembly and that he would support it. I thank the Senator for his promise of support. The Deputy of St. Mary was obviously very disappointed that PPC's (Privileges and Procedures Committee) super constituency proposal did not find favour with the House. Her speech really reflected her disappointment. She pointed out that the States, if they were to approve my proposition today, would be asking 2 of the very same questions that we rejected yesterday. I say to the Deputy that my proposition includes her favoured PPC super constituency option and that being the case, she really now should support this proposition as it gives those people she represents the chance to agree with her --

**Deputy J. Gallichan of St. Mary:**

May I just clarify, if the Senator will give way, I was not expressing my disappointment, Sir, with the outcome of the previous vote, merely that the Senator was persisting with the putting of this motion.

**Senator J.L. Perchard:**

Further example of the Deputy's disappointment, Sir. So, the point is that she should really support this proposition now as it gives those that she represents the chance to agree with her and should they do so in significant numbers this House would be compelled to take heed of the public's opinion on her particular favourite proposal for reform. Even though, I have to say, that I very much doubt the general public would favour PPC's super constituency proposal as I expect they would not wish to play the game of chance; a game of Russian Roulette with our precious parochial system. Deputy Troy was extraordinarily disappointed with the outcome of yesterday's debate. He was so extraordinarily disappointed he kept on telling us he was extraordinarily disappointed. Unfortunately his contribution was extraordinarily disappointing. Senator Ozouf thought that he may be inclined to offer his support but wanted a status quo option. I think, Sir, it would be appropriate for me to address this matter now as many other Members expressed the similar view that the proposition was incomplete without a status quo option. The Referendum (Jersey) Law states that the States can, by Act, fix the date and text of a question or questions to be asked in a referendum. A proposition to set the details of a referendum would be brought by PPC if this proposition is adopted. I assume the PPC would not amend the text of the questions in my proposition or indeed they would not include a status quo option. But I am advised that any Member can propose an amendment to the PPC proposition for the text of a referendum to include a status quo option. Indeed, I give notice to this Assembly, Sir, that I would do just that. Deputy de Faye said that we are elected to govern and make decisions and that is exactly what we should do. He made jokes about asking people to colour in maps indicating where they preferred their parking place. In fact in his address he made very many humorous references to what he called the 'namby-pamby' idea of asking those we represent for their opinion. Well, I could not disagree more. The States have repeatedly displayed their inability to make any progress on this subject. So, I say to Members why not use the option available to us; the option of a referendum? As I said in my opening speech, I do not see this as a sign of weakness; on the contrary, engaging with the

public we represent is a sign of real strength. Engaging with those we represent is a positive and good thing. Deputy Fox could not see how reform could be advanced by holding a referendum. I say to Deputy Fox that if we do not hold this referendum for reform, reform is dead in the water and probably will not surface for many years. Deputy Southern made a grumpy and grizzly contribution when he said something about his valuable time being wasted. I say pot, kettle, black. Senator Syvret, like me, was confused by the Deputy of St. Mary's speech, he spoke of the overwhelming preference of many outside this House to maintain the Island-wide mandate and he challenged the Deputy of St. Mary to justify her and the Privileges and Procedures Committee's position on this matter. The good Senator's wealth of knowledge on the subject of referenda confirms my view that a referendum does not have to be a single question issue. He gave an example of Switzerland where quite complicated issues are put to referenda. I, like Senator Syvret, have every confidence in the Jersey's public ability to make choices of this type. The Senator was disappointed that the proposition did not include a transferable vote proposal. I understand why he is disappointed; he made a very good case for it. The good news is that it is not too late to do so. I remind the Senator and the House that the detail of any referendum has to be agreed by this House. Deputy Hill and Deputy Huet wanted a status quo option in my referendum; I believe I have covered that. Deputy Baudains said he had to abandon his Rolls Royce amendment for what he called this rusty old bike of a proposition. "But it is a vehicle ...", he said: "... and we have still got transport." He said that he would support this proposition as it maintains at least some momentum. I thank him for that. He was of the opinion that option 3 could not work. Option 3 is as written here: "An Assembly comprised of 12 Senators elected on an Island-wide basis and 36 Deputies elected on a Parish or constituency basis." The Deputy claims option 3 would not work. I cannot agree with him. It well may not find favour in a referendum, but option 3 would work as some Members, despite having the same 4-year term as their parochially elected colleagues would definitely wish to seek an Island-wide mandate. You are looking at one of them. Deputy Power agreed that the proposition maintained a momentum for reform and indicated that he would be supporting it, and I thank him for that. Deputy Le Claire's contribution to the debate was interesting. I think perhaps he spoke for a little longer than necessary and I do extend my deepest sympathy to the person who will be preparing the Hansard of his speech. He took Members through the proposition line by line in great detail. He at times was very critical of my proposition. There were periods during his speech when the good Deputy gave me a real beating. Yes, it was painful; a real thrashing from the big Deputy with his feather duster. I have to say that I am still wincing in pain. He did however make a valid and important point about the workload of PPC and, that, in his opinion, there is far more important work for them to deal with than organising a referendum. I have little to say on this matter other than to refer the Deputy to the end of my report where I cover the matter of financial and manpower implications connected with this proposition, and I can assure the Assembly that I did communicate with the officers of the States' Greffe before submitting my report and proposition, and they are satisfied that there will be no significant financial and manpower implications attached to this proposition. However, part (b) of the proposition will undoubtedly require extra work for the States' Greffe, as there will be some urgency for PPC to produce proposals regarding the precise boundaries and size of the proposed 6 large electoral districts along with separate proposals on the distribution of 36 and 48 Deputy seats to ensure an allocation across the seats of the 12 Parishes is as equitable as possible, and this needs to be done and made publicly available at least 2 months before any referendum is held. But it is critically important that before a referendum is held those out there understand what a super constituency is; who their Parish will be linking up with; how many Deputies will they have on a Parish basis or a constituency basis. So, this work will need to be done, and if we are to have a referendum as soon as practicably possible, I warn Members that this will have to be done before then. Deputy Le Claire's feather duster nearly gave me another bruise when he spoke critically about the lack of consultation by the Constables with their parishioners. I am not sure where the good Deputy has been, but I believe the Parishes, PPC, MORI and other surveys have over the many years now consulted and consulted and consulted. I say to Members what better way to



gauge the public view on an issue than to ask them by the means of a referendum; a suitably prepared referendum, the text of which Members will have to approve. A referendum offering meaningful, workable alternatives aimed at giving people a voice and reconnecting them with their Government. This must provide an opportunity that we should seize; it is a great opportunity for this House to engage the public. I am certain that we will be seen and judged to have failed in our effort to engage the people we represent unless we provide provision for a meaningful participation by them in a referendum. Here in my proposition I propose genuine options; options other than the only black option; proposals that provide the electorate with choice. I say to Members please do not disrupt the reform process now. I respectfully ask that they support my proposition so that some ground at least can be covered today. Another step for reform will be taken by Members when they push their 'pour' button. On the other hand, the Members that choose to push their 'contre' button, and that word happens to be directly below the 'pour', will be derailing the train, and this train will have no hope of getting back on track for a very long time. I make the proposition, I do accept that part (f) will fall, because the States already, yesterday, rejected paragraph (f) and I accept that that part will fall. I make the proposition and ask Members for their appel.

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

Point of order? Can I not ask the Senator to reconsider withdrawing part (e), because if he is serious about wanting to get the opinions of the public it will mean that under your ruling it will not work, and therefore I believe he is being disingenuous if he does not withdraw it?

**Deputy R.C. Duhamel:**

Could I put forward an alternative, perhaps, and ask the Senator to consider taking part (e) separately, which would allow the discussions to take place on P.54 should that part be --

**Senator S. Syvret:**

Does this not make the debate somewhat confusing given that we have had a now quite lengthy debate on this proposition on the basis of the 4 proposals within it?

**The Bailiff:**

I must say that I interpreted paragraph (e) as being all of one with the preceding paragraphs, and the Assembly is being asked in effect to say that one of these options is an option which ought to be favoured, and that is why paragraph (e) follows on from that to ask Members to agree that all 48 Members should be elected on a single general election day, and, I think, for my part I agree with Senator Syvret that this is one of a whole; the Members having debated the proposition as a whole must vote on it either for or against.

**Deputy P.V.F. Le Claire:**

May I make a different point of order? It is very interesting because your ruling may sway my vote in favour. Senator Perchard pointed out that under the referendum law another amendment can be brought at that time when the PPC brings its proposition. Is it possible to do that because this actual proposition and the preceding proposition asked the States to make a decision on holding a referendum on a certain amount of options and it just seems crazy that if the States are going to have a debate on an option and then on 4 options that there will be then another debate on maybe another 12 options when it comes time to set the referendum. Is that possible to be amended at that time, and could you give a ruling please?

**The Bailiff:**

The States are sovereign; they can change their minds at any time they wish to change their mind. What the Assembly is being asked to do at the moment, Deputy, is to approve if there should be a referendum on 4 different questions and that is all that the Assembly is being asked to approve.

Now, that does not mean to say that the Assembly cannot at some future stage revisit that decision or amend it.

**Deputy P.V.F. Le Claire:**

Will it require a rescindment or can we just bring an amendment during the --

**The Bailiff:**

I do not think I can give a ruling on that, Deputy, until I see what it is that Members would want to do to vary the decision which they are being asked to make today.

**Senator S. Syvret:**

Could I just propose that we move to the vote, please?

**Senator J.L. Perchard:**

Can I just say something on the point that you made about paragraph (e)? I do not want to speak on the detail of it - the direction you have given to the States - I just want to confirm my position. I included paragraph (e) because I do believe that this is an integral part of the proposition that a general election day for all elected Members of the States is what is required, and I maintain that it should stay so.

**The Bailiff:**

Well, that was my ruling, Senator, so I think that is the basis on which the States are going to vote. So, I invite the Greffier to open the voting, which is for or against the proposition, omitting of course paragraph (f).

<b>POUR: 13</b>	<b>CONTRE: 29</b>	<b>ABSTAIN: 0</b>
Connétable of Trinity	Senator S. Syvret	
Connétable of Grouville	Senator L. Norman	
Connétable of St. Brelade	Senator T.A. Le Sueur	
Connétable of St. Martin	Senator P.F. Routier	
Connétable of St. John	Senator P.F.C. Ozouf	
Deputy R.C. Duhamel (S)	Senator T.J. Le Main	
Deputy A. Breckon (S)	Senator B.E. Shenton	
Deputy G.W.J. de Faye (H)	Senator F.E. Cohen	
Deputy P.V.F. Le Claire (H)	Senator J.L. Perchard	
Deputy J.A.N. Le Fondré (L)	Connétable of St. Saviour	
Deputy S.S.P.A. Power (B)	Connétable of St. Mary	
Deputy A.J.D. Maclean (H)	Connétable of St. Peter	
Deputy of St. Mary	Connétable of St. Clement	
	Deputy J.J. Huet (H)	
	Deputy of St. Martin	
	Deputy G.C.L. Baudains (C)	
	Deputy P.N. Troy (B)	
	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 P.J.D. Ryan (H)	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy D.W. Mezbourian (L)	
	Deputy S. Pitman (H)	
	Deputy K.C. Lewis (S)	

## **2. Composition and Election of the States Assembly: election dates for Connétables (P.54/2007)**

### **The Bailiff:**

We now come to Project 54. The composition and election of the States Assembly: Election dates for Connétables, and I ask the Greffier to read the proposition.

### **The Greffier of the States:**

States are asked to decide whether they are of opinion, (a) to agree the 12 Parish Connétables should all be elected on a single election day, (i) for a term of office of 4 years, (ii) with the first such elections to take place in the autumn of 2008, (iii) on a day that neither an election day for Senators nor Deputies under the States of Jersey Law 2005, (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposal including appropriate transitional arrangements to ensure that all 12 Connétables can be elected on a single election day by December 2008 at the latest.

### **The Connétable of St. Peter:**

I would stress that in the absence of our Chairman, I have been asked to act as rapporteur for this proposition. I think the first question we should ask, and I do not think it needs any deliberation to come up with the answer; are we any the wiser or better informed having spent the last 2 days debating the composition of the Assembly? The proposition that we present today deals with the elements of our Assembly, which have been advocated by many Members indeed, and the general public, and comes in a very uncomplicated form and very clear in its aims. The principle, you will see, the 12 Connétables being elected on a single day, which is in keeping with a considerable number and a very high number of people's opinions and views, and indeed from within this House. It would for once and for all dispel the myth that Connétables get in by default, they get in through back doors and it is almost an illegal entry into the States. Well, clearly that would be seen that everyone is in the same shop window at the same time and it is open to anyone to face a challenge if that is so requested. The term of office is in keeping with the majority wishes, and I think that is a very important element to it. The timing, we believe, should be to hold a Constables' election to coincide with the 2008 elections. Now, I realise that we are dangerously close to flirting with an impossibility on time, bearing in mind that there is a lot of decisions have to be made behind the scenes in regulations and the like, and it is perhaps a shame that it has taken this time, but I think you have to consider that our original proposition was tabled some considerable time in the New Year. Our proposed election day, from the considerable experience which has been gained throughout the Island in both the current Senatorial and Deputies elections system we feel is clearly beneficial to hold that election on that one day. While there has been a long drawn out series of debates during the past session, and indeed before that, we will clearly be seen as making a more positive decision at least on the areas contained within the proposition. There will be a clear directive, 4 years elected the same day, and if you stop and consider for a moment, that has been advocated over and over again by Member after Member. The Comité considered at length reverting to a 3-year term, but on the basis that the greater majority of Members of this House have decided their preference, we decided to go for our 4-year term in keeping with that. In order to demonstrate to the electorate at large that we do mean business, we do mean to be serious in our aim to strive towards this all-Island date of election. I merely ask the Assembly that you show your intention and indeed determination to move forward, albeit a very small part, a very small element of the considerable changes which have been under discussion in the all too recent past. It is, I believe, and the belief of the Comité that it is a relatively simplistic option, one that undoubtedly will gain considerable merit and indeed go a long way to restore a certain amount of, I would like to think, hope and faith within the electorate of our Island, because their nerves must be at a very frayed and shattered end I fear after what they have heard in the last couple of days. I fully accept

and realise that there are areas within the proposition, namely what I have referred to with the autumn time of 2008, as being perhaps extremely tight and difficult to come up with. But I think if we are not prepared to even show a small measure of alteration or amendment to the election process, where the Connétables are concerned, on a small matter like this, well quite frankly we are all wasting our time in the future because there is no way that the composition of this House, or indeed I fear for possibly beyond it, will make any changes at all. I believe they are founded for the right reasons and they are founded for the benefits all around, and indeed the encouragement of everybody that would be affected by them. The position relating to terms of office, one has to remember where Connétables are concerned they vary throughout the year, and this year there are no fewer than 5 Connétables which have come up for re-election, albeit their position of term has expired, and that will be the case, it does not matter when we arrange this election, it is impossible to draw a complete orderly line after 3-year term as it currently stands. This position was appreciated by the Comité and they recognised that somebody or some of our number had to make a reasoned and sensible compromise and be prepared to relinquish their seat in order to get everything on one orderly line. They, I am pleased to say, have acceded that this would be the way forward and I am sure that that will be of great benefit to many in turn, and when you consider at the moment we have a Senatorial election, you do not elect your Senators on different days, you do not elect your Deputies as a total body on different days, they are all done and elected on the same day. It is no different with the Connétables, and I do not believe there is need to waste the Assembly's time any more and I so propose the proposition 54.

**The Bailiff:**

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

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

I am very, very keen on reform. I believe that every Member of this House is keen on reform. This Constables' proposition will help to indicate to the electorate that we are serious. It has been put to me "The residents of St. Helier, do they care who is the Constable of St. Martin?" and the answer they say is: "Of course they do not." But I what I say to this House is that collectively where you have 12 Constables elected collectively on one day then it does impinge upon the situation of the electorate of this Island in general. It is an important situation, it is a fairly painless situation, it does not impinge upon the Island-wide mandate, it does not seek to declare how many Deputies there should be, it is a stepping stone indicating the intent, not only of the Constables, but of the House to make reform, and I would ask every Member to think carefully about this and give the Constables your support. It is also to the benefit of this House and for the benefit of the electorate of this Island.

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

To ensure that we have an orderly debate and that we are able to debate the 2 options that we have here, could I ask the Solicitor General whether in her opinion paragraph (b) is Human Rights compatible?

**The Bailiff:**

Had you given notice to the Solicitor General that you were going to ask this question, Connétable?

**The Connétable of St. Clement:**

I am afraid not, Sir.

**The Bailiff:**

Well, I wonder if the Solicitor General might be allowed perhaps a few moments to reflect.

**Miss. S.C. Nicolle Q.C., H.M. Solicitor General:**

I take it that the question is directed to the fact that this would curtail some of the periods, is that the thinking? Well, there are 2 possible Human Rights articles which could be engaged. The first is Article 1 of protocol 1, which is the right to respect for property. If one regards the office as being a form of property of the office holder, because the office is remunerated and it is therefore arguably property in the hands of the office holder. The other article is Article 3 of the protocol, which requires the holding of elections which will allow the electorate to express their view, and the argument there would be that the electorate, when the relevant Constable was elected, chose to elect him for a certain period. If I can take the second of those first, I do not think that that one is a serious problem because the electorate would then get the same choice offered them, and could exercise their choice again. So, that really it is the one which requires the holding of the elections in such a way that the terms of office are terminated. It really depends on the fine detail of the legislation. One possibility would be that provision would be made for compensation by those whose office were terminated, and another would be to introduce a staggered -- by sort of staggering it to finally get to the point where all the terms are running at the same period, and that is as each Constable's term of office came to its natural end to provide for a shorter term for that particular Constable so that eventually they were all brought to the same starting point. So, it is not impossible to achieve it, but it does depend upon the detail of the legislation. I should perhaps add that if the intention is to achieve it for 2008 there would be a very tight timescale on the legislation.

**Deputy G.C.L. Baudains of St. Clement:**

I, like my Connétable, have some concerns about the Human Rights compliance of this proposition and I have no doubt the rapporteur will, or the proposer will, clarify in his summing up. I was under the impression that this proposition relied on the fact that any Connétable being re-elected or any new Connétable in the near future would voluntarily agree to a shorter term of office, but those who may not, I believe would be able to challenge this position. Furthermore, there is no way I can support this proposition because it really, I think, adds a degree of confusion that we certainly do not need. The term of 4 years for a Connétable does not exactly square with the 3-year cycle of this House. So, we would have a situation where on the first year, assuming it went ahead, most people would be elected at the same time. The Connétable would be elected near enough at the same time as the Deputies and Senators. But then of course the following year they would be a year out of sync, and then the year after that similarly. I thought the whole idea of bringing all the Connétables to a single election day for the Connétables was that this House would be enabled when it was seeking election to office of Ministers and Scrutiny members and that that all the Connétables would be available at one time, they would not be on a rolling election. But of course this makes it worse than the present situation because there would be a complete change, or possibly a complete change of the Connétables a year into the 3-year term of the States, and then again a year before the end of the 3-year term of the States. It is absolutely confusing. I mean I am looking at, as I say, a 3-year cycle that certainly does not connect with a 4-year cycle, it rather reminds me of yesterday's rusty cycle. There is no way I can support this, in fact I believe we should in fact move on to the next item.

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

It is perhaps a supreme irony that the people leading the charge on reform are the people who have been accused wholesale of having inhibited that reform, so that is a supreme irony and I do have to give them credit for that. Obviously there was an anticipation that we would make a decision on reform, which was an over-anticipation and the decision was obviously that we would take, everything else having failed, we would try and rescue the notion of a general election, and I am still not convinced on yesterday's arguments that it is the impossibility that some people are portraying it as. We would rescue that notion and we would rescue the notion of a 4-year term. The good thing as opposed to the quite sensible objections that the Deputy may have outlined, the good thing is it forces the rest of us to look at 4 years. Yes, it will be a mess quite frankly, but it forces the rest of us to do it, and quite frankly I am feeling so perverse, so confused and so

absolutely angry about what has happened in our total move to immobilism on this issue that I think that cannot be a bad thing. I would say force the issue. So, I congratulate the Constables for leading the charge, I hope it happens, we look total fools, but quite frankly it may induce some change. Not a terribly good situation but let it move forward.

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

I have a point of order, I think; following on the words of the Solicitor General, I just wondered if anyone had given thought -- she said it was very difficult to have this achieved by 2008, has anyone in the Greffe given thoughts to the possibility that it might not be possible by 2008? PPC reforms were staggered to coincide with 2011, which was do-able. Is this do-able?

**The Bailiff:**

Well, I think that is a matter for the rapporteur when he replies. One assumes that the Connétable would not have brought the proposition unless they were satisfied that it could be achieved.

**Deputy P.N. Troy:**

Can I advise that I have just sent through to the Greffier a request to lodge an item, which requests that the term of Deputies are also implemented to the term of 4 years in the autumn of 2008, and I would ask if that can be lodged today.

**The Bailiff:**

The Greffier reminds me that there is a paragraph in the report of the Privileges and Procedures Committee which covers this point, Deputy, and thank you Deputy.

**Deputy P.N. Troy:**

Sorry, but can I ask that it be lodged officially.

**The Bailiff:**

Well, I have not seen it yet.

**Deputy P.N. Troy:**

It is with the Greffier in front of you. I thought I saw you just looking at it, so you did see it.

**The Bailiff:**

A very neat try, Deputy, but I am afraid I need just a little bit more time to study it.

**Connétable D.J. Murphy of Grouville:**

I feel that in order to counter suggestions that perhaps you are heading for another blocked vote from this side of things, I can tell you that there was some disagreement on this, and I would like to suggest to the rapporteur when we eventually get to voting on this that the vote is split and that the problem we seem to be having is the timing on this, and where as I agree with the 4 year term, and I agree that it should be a separate day from Senators' and Deputies' elections, it is obviously going to be difficult for us to sort this out by 2008, and I would suggest that there will be objections from the Deputies' benches about Constables being elected for a 4-year term when they do not have that privilege. I know that Deputy Troy has now come up with a last minute, last gasp hope but I am not terribly optimistic about that. So, what I should like to say is that if we take item (a)(ii) and the total of item (b) separately, if I could advise the Members if they voted pour for (a)(i) and pour for (a)(iii) and that if we left (a)(ii) and (b) that those are left in abeyance until such time as we come to a conclusion with the Deputies. So, in fact let us pass (a)(i), (a)(iii) and (b) and just leave the others, or vote them out.

**Deputy G.P. Southern:**

I was flashing for the point of order, but I will speak, because this really is playing while the Lusitania sinks. We have sunk reform and to give further credibility to the position of the Constables at this time by extending their term of office beyond that which applies to Deputies is just, in my mind, absolutely absurd. To further have the cake and eat it, the Constables repeatedly tell us how important the parochial system is and it is a Parish election and that is the representation, that is what they are here for, and how important that is, and yet for some reason, which is not explained I do not think anywhere in the report, we want simultaneous elections. The question was rightly asked, I think, by the Deputy of St. Martin: "Do the electors of St. Brelade care that the election takes place simultaneously with their election of the Constable of St. Martin or the Constable of Trinity?" The answer is: "No." It is a supreme indifference to them. It is a parochial affair, Constables are elected, I believe, first and foremost to lead the Parish (and also to sit in State *ex-officio*) and that is what they are elected for. Absolutely certain. It is no good repeating time and time again: "Yes, but when people go to the polling booths they know that they will be sitting in the States." Yes, but their prime aim is to get the right person in to lead the Parish. Absolutely stone dead certain. That is why people vote for the Constable, because they are aware that Deputies also represent them and their sole function is to represent them in the States. So, it is clear to me this covering up; this is giving additional credence to the Constables, which takes away, which somehow separates them from their parochial role and says they are more important than they would like to think, I am sure they are more important, they want an Island-wide simultaneous election for their position and not for others. I cannot see how this is going to raise enough votes to get through because I do not believe it is worthwhile in itself and I believe it is, as I say, playing the music while the Lusitania sinks. It is the edge of any reform and it is completely meaningless.

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

I really am rather sorry to see how many Members seem to be rather emotionally overwrought this morning. There seems to be sort of quite an emotional feeling going on here; a sense of anger and disappointment. Well, the way to fix that frankly is to come forward with some reforms that are inspirational to the majority of Members in this Assembly, as well as the public, and not ones that look frankly hopeless. I welcome this proposition from the Comité des Connétables, I believe strongly, as I believe many Islanders do, that the role of the Connétable either as the father or occasionally mother of the Parish, intimately linked with our unique honorary tradition, is in fact the backbone of the parochial system, and if you do not understand that you do not understand Jersey. So, I congratulate the Comité des Connétables as a group on frankly demonstrating what I think is an appropriate method of approaching reform of our constitution; taking it in small steps on a logical and sound basis. Now, there is little for us to concern ourselves with here, but obviously one of the difficulties is the suggestion of a 4-year term. I do not agree with Deputy Baudains' interestingly mathematical point about whether 4 years fits into the cycle of our 3-year terms of office. If Members would just like to extend their minds a little in the numerical sphere, if you look at the fact that our Senators are elected on 6-year periods of office, it is not too far to stretch to say that we could well be considered to have a 12-year cycle into which 3 divides neatly, as does 4. So, as I have said on a number of occasions lately it really does depend on how you look at things. It is perfectly feasible to suggest that there is a cycle. Four years, well, it is one more than 3 years, it does fit interestingly into the middle of the Privileges and Procedures' MORI tested pie chart, and I think if you want to look at it objectively it gives a clear sense of distinction to the office of Connétable. That you are not a Senator on a 6-year term of office, or a Deputy on a 3-year term, you are separate and distinct serving a 4-year term of office, and I believe that awarding, if that is the appropriate way to put it, a 4-year term of appointment to Connétables, gives an enhancement to the rôle, a sense of distinction, and indeed if I may be so bold to use a slightly more modern phrase for such an archaic rôle; a sense of value-added. Indeed I think that there is a reasonable likelihood to suppose that Connétables serving a 4-year office might draw more candidates to the rôle, and far from seeing the uncontested elections as being one of the criticisms that has been tagged to the rôle of Connétable, I do not see why 4-year terms of office might indeed attract more

candidates and we will see what we want to see; a more healthy approach to elections of the Connétable rôle. So, I look at this in, I have to say, a very positive way. Nevertheless there is a corollary and it is possible that such a difference might raise the question of whether Parishes or the States should pay for the Connétables' salaries, one or the other, or whether the Parishes should pay a contribution. That though is a matter for another debate on another day. I have to say I do wish the Connétables luck with the bureaucratic and administrative difficulties that this particular proposition may create. I hope that if all else fails they can possibly mutually get together and decide on a joint resignation date, because it is feasible and practical for them to come to this type of arrangement without needing any legislation at all, just all resign on the same day and that will have exactly the same effect as most of this proposition is all about, but I simply feel that these proposals will, I think, rejuvenate the rôle of Connétable, give a higher level of respect, I think it is something that the Island wish to see, and if there is any time where we should be giving support to the Connétables who have endured, I think, an excessive level of criticism in recent years, well, today is the day.

**The Deputy of St. Mary:**

I would like to speak with 2 hats on here. Firstly, to reinforce the comments of PPC in this regard. PPC was extremely concerned about the 4-year term of office being included, especially of course now that that would be included in isolation of other reforms. As is quite clearly noted in our report we consider that the integration of Members, availability for integration into the new government at each successive new House to be extremely important for the continuity of the House, especially now that it functions in much smaller groups than previously under the Committee system. The loss of one Member from a small panel makes an extreme difference, and PPC are at pains to point out that we were under the impression that the Constables would be lodging an amendment to change that 4-year term to a 3-year term, which amendment unfortunately was not made. I am extremely supportive of the Constables all being elected on one day, but I personally also have this problem with the 4-year term. In isolation it makes a third tier in the system. Despite the common denominator there is a danger that we will be further out of sync. You could say that I was optimistic on Tuesday, dismayed on Wednesday, and despairing on Thursday. We seem to be going from bad to worse. But what has really made me despair is Deputy Le Hérisier's comment that we should do this enforced change. Forcing change to 4 years for another term, you know, can we really do a change on the hoof like this in something so important? Should we not be considering things fully at the outcome? We have a duty to make sure that our House functions in the most efficient and the most competent manner at all times. It is our duty to the Island to ensure that the legislative Assembly is working at its optimum. The fact that Deputy Troy has also said that he will lodge a 4-year term for Deputies; well that still leaves the Senators out of sync. We have tried everything to bring things together. I just wonder whether we should not be considering this in a more cohesive fashion, and if it could not happen yesterday after all that debate, why should we assume to think that we can force the change through now just by changing one section and hoping that everything else will follow? It does not really seem to give this the gravity that it deserves. So, just to make sure that my feelings are known, I believe that this is a fantastic opportunity for the Constables, and that they should be elected all on one day. I think it will rejuvenate, despite what Deputy Southern says about one Parish not caring about what happens in another, the fact that all Parishes together have an election, I think, will rejuvenate this and will mean more contested elections, and will be ultimately strengthening for the Parish and Constables, but I do have very serious concerns about this 4-year term. I think that now is not the time. I think that we have to move forward in a cohesive and pre-planned way, and not keep trying to jig things to make them work.

**Senator L. Norman:**

I commend the speech of the Deputy of St. Mary and I share very much her views. I too would like to support this proposition. At the moment I do not think I can, but perhaps I could yet be



convinced. The Constables, as we all know, play a full and meaningful part in this Assembly, they are indeed an integral part of this Assembly. It is right that they all be elected on the same day. But as an integral part of this Assembly they should all be elected on the same day, more or less at the same time as the rest of the Assembly. A sort of general election period, which would be slightly extended if that happened. But, if this gets approved, that general election period with all Members being integral, will only happen once every 12 years, and quite honestly that just does not make any sense. The current system is not good. I mean a Constable will disappear at any time during the 3-year cycle and a new one will appear, and this will happen up to 12 times during that 3-year cycle. That is not good. That is not good for the administration of the States, it is not good for the administration of the Ministries, it is not good for the administration of the Committees, and it is not good for the administration of the Panels. But will this change improve it? As Deputy Baudains said, it is quite possible instead of having one disappearing every few months and a new one coming in, you could have 6 or more disappearing all at the same time, creating yet more problems for the administration of the Panels, Committees and so on. This is all down to the 4-year term. If it was a 3-year term, you know, I would be cheering and have no problems supporting it, but it is the 4-year term which is really causing me the problem. It does not improve things. It improves the election process once in every 12 years, but that is not a good enough reason for me to support it. It will make the Constables, you know, there is this view that they are separate and different, this will reinforce the view that somehow Constables are separate and different, even superior and it may create even more questions over their validity, which we are trying to change. As I say, I see the Constables under our present constitution as integral and equal, and therefore should be treated as integral and equal and change to a 4-year term, yes, when every other Member of the States changes to a 4-year term if they are integral to the States. My heart says this is good, but my brain tells me it is not right to do this in isolation. Either it is everybody on a 4-year term or nobody.

**Deputy J.A. Martin:**

Well, I really do not know what to say about this one. The story of the tortoise and the hare, while we have all been running around trying to get reform, referenda, everything, here we have a proposition from the Constables, and we even have an amendment from one of the Constables, we cannot do it by 2008 but let us go for a 4-year term and everyone elected on a single day. I will start with (a) and to agree that 12 Constables should be elected on a single election day, fine. Anything after that, we have Deputy Le Hérisier saying: "They are leading the charge", well, under (a)(iii) they certainly are not leading any charge for a single election day because they want to be elected on a single election day, any other day that any other States Member is elected. So, that is no leading the charge. Does it not take the biscuit, that when we are asked to go to referendum on either Senator Perchard's or PPC; on Senator Perchard's we had no Constable support at all, and on P.75 we had the Constable of St. Clement obviously who is also the President of PPC, and we had the Constable of St. Helier. No other support to put any reforms to the public. I would like to ask any of the Constables, have any of the Constables even had a Parish Assembly to ask if their parishioners want them in for 4 years? Do they think that they can just say: "Well, I do not really like 3 years, we want to be elected on the same day"? I am sure all our parishioners would prefer that. We are going to be elected on 4 years. I am taking that as nobody has nodded to me, none of them has held one single Parish Assembly. The Constable of St. Brelade says he has. The actual question that they would prefer their Constable in for 4 years, I do not think so. So, we had the reverse speech from Deputy de Faye: "This is great." Because he knows best, I mean he knows, I mean he does not want to ask the people because he, again, voted against both referendums. Anything in the Parish system will die and the Constables are this and the Constables are that. I have no problem that the Constables are sitting in the States. They are now protecting themselves with any other reform that we want to bring because their election day will not be on our day, we have just heard that we could have a possible different vote, and it will not take place in 2008. It will stop any sort of reform that anybody else wants, and I really cannot agree that they

are leading the way. I mean I do agree, I mean I think a single election day, and if it goes through for 4 years, especially in all the country parishes, it would be a very good opportunity for the Deputy of that Parish to stand against the Constable, great, and I think that will be great, and I hope that will happen, because why not, that will be 4 years instead of 3. I am sorry, it is about consistency, and it is not what Deputies have been saying and the public have been saying: "We do not want 3 years, we would prefer 4." All the new Deputies that are in here now are about saying to me: "My God, it is election year next year, Deputy Martin", or "Judy." "Yes", I say: "Yes, it does go around quick and then the extra year would see you probably achieve a lot more that you have put on your manifesto", but we have not got that. We have not asked the public if they want that. By approving this we are definitely not giving the public a single election day. So, I am sorry, Sir, this hare is not going to be overrun by 12 tortoises because they have been running around behind us and we have been told -- no, sorry, we were told by the Constables' Committee, the Constable of St. Ouen, this would be amended to 3 years and a single election day, and even then I would have difficulty in approving (a)(iii) because it does not allow them to be elected on the same day as everybody else, but not 4 years. I am not having the wool pulled over my eyes, and I hope everybody else does not.

**Senator P.F.C. Ozouf:**

It is always a pleasure to follow Deputy Martin. I think that there seems to be common agreement on the fact that we all support, or at least most Members support a single election day, but with some exceptions of, I think, the Connétable of Grouville, we probably support, with maybe a couple of other exceptions, the fact that we should move to a single election day in 2008. What appears to be the issue here is a 4-year term. I think a 4-year term has some merit. Deputy Troy's proposal of extending the Deputorial seats for a 4-year term will certainly ensure that there is reform associated with a reorganisation of Deputorial boundaries, I think this proposition has legs. It will mean that we have dealt with reform in parts, we have dealt with the Constables, we have dealt with the Deputies, and that remains the issue of the Senators to resolve, which I think would sort itself out over time. But if Members are not persuaded by the issue of this evolutionary change, and I certainly voted against all of the changes of the composition of the States because it has been revolution, not evolution. I can see merit in evolution. Can I ask whether or not there is potential to take part, (a)(i) of the proposition separately? Would it not be the case that if we voted against that, or if Members were given the opportunity of voting against (a)(i) that it would revert effectively to the status quo, which would be the status quo of 3 years.

**The Bailiff:**

I am afraid not, Senator, I think that paragraph (a) must be voted upon as a whole, because if one picks out any part of paragraph (a) none of it is a freestanding matter upon which Members can vote. In fact reinforced in that view by the report of the PPC, which contains an exchange between the Constable of St. Ouen and the Deputy Bailiff, where the Deputy Bailiff made it clear that that was tantamount to an amendment and the amendment would have to be lodged 2 weeks before the debate to make it 3 years rather 4.

**Senator P.F.C. Ozouf:**

I thank you for your ruling, Sir. It does however still be the case that one can vote in favour of this proposition and then move an amendment when Privileges and Procedures Committee come back with the underlying legislation. On that basis I think we have got the signal, for once, that we are going to make a decision and move forward. It is entirely up to this Assembly to then deal with the issue of the 3 or 4 year term later on because legislation would come forward, and I would ask Members, those Members who agree with me, that we do agree on a single election day, there is a debate to be had about the 4 year and the 3 year term. We can vote in favour of this proposition, it is not final, it is not binding, it will come back, Privileges and Procedures Committee will need to bring a proposal for the detail of it and a Member can move a 3-year term and we can then resolve

the issue once and for all then. I see no good reason why we should not agree the fundamental principles of this and have a debate about the 3 or 4-year term later on. Just to throw this thing out will, I think, send the message out that we are really not going to do any sort of reform in the composition of the States. There is a legitimate debate to be had about evolutionary change on the Connétables and the Deputies. So, accepting your ruling, Sir, and with fingers crossed underneath my desk, if I may say, I will vote in favour of the overall proposition, and if nobody else is willing to bring forward an amendment, I am sure I would not be the only one, but we can have that debate about the 3 or 4 year term later on, and I would urge Members to take that pragmatic approach in solving this issue.

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

The issue of varied dates of election for Connétables probably stretch us back for 500 years, and I am sure that if anyone wished to conduct the research to this, the facts will be verified. I consider it important that the House aims to achieve the goal of a single election date, and the contributions from Members today will assist in this in that despite the success or failure of this particular projet with its own particular detail we must align what has become an acronymism. It does nothing to enhance tradition and can only serve to encourage voters to turn out, enhance the office of Connétable, and of course gain the respect of members of the public who question this Assembly's ability to make practical decisions. This projet is more a matter of dates realignment than reform and I would urge Members to support it.

**Deputy J.J. Huet of St. Helier:**

It is very short, I would just like if somebody on the summing up could tell me why we have the Connétable of St. Ouen: "It is the intention of the Constables to amend it." The Deputy Bailiff: "To change 4 years to 3 years." The Connétable of St. Ouen: "Yes, Sir." Why was it not done? It is the only question I would like to make.

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

I have come across several people in the past who, when I have said: "Did you vote in a Constables' election?" have replied: "I did not know there was an election for Constable at the moment." So, I think an Island-wide Constables election would create the media interest; it would encourage many, many more people to go out and vote. I would like clarification if I may, I may have missed something earlier from the Solicitor General, as to when this would be possible. It is my understanding that all the sitting Constables, I am not sure if that was without exception, have agreed to stand down on a given date and possibly stand for re-election, and any new potential Constable standing for election would be on the understanding that it would be possibly for one year. I am not sure if the legislation will be in place for that in time. The other problem that comes to mind is the Constable seems to run the election for both Senators' and Deputies' elections along with the Jurats, so if the Constable is on the same day as everybody else I could see major problems arising there. But I do not have any problem with this, and in light of the fact that Deputy Troy has proposed an amendment to raise the term of office of Deputy to 4 years I think this is going to muddy the waters for the time being, so that is an argument for another day. But I will be supporting this proposition.

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

Well, well, well. The House always says: "Let us have leadership. Let us move forward. Let us have new innovative ideas." Constables have come forward with leadership, new ideas; let us go for a 4-year term, everybody wants a 4-year term. We have heard the MORI poll, the whole Assembly was looking forward to a 4-year term. What happens? Over the last few weeks, certainly the last few days everybody has gone back into the old routine. No new ideas. No new innovative ideas. Let us stay as boringly as we are. Now, when the Constables come forward and they say: "Come on, let us have an election day all for ourselves. We will have a 4-year term."

“Well, no, you cannot have that. That is too innovative.” In fact, what has happened now, about a quarter of an hour later we have had the Deputies now become very, very jealous: “What is going on here? The Constables are wanting 4 years. We cannot have that.” What is going on? We get damned if we do and damned if we do not. I find this very, very strange. Very strange. Luckily we have got a young innovative Minister on our side who says: “Yes, let us go forward. I am all for the Constables. Let us have change, let us have direction.” He is the Minister who says: “Let us get the buses out into the Parishes. Let us try and get them into St. Helier and move about a bit.” This is what we want for goodness sake. We as Constables, and lots of us, and I do say: “Us”, because I am included, we have even said, we have just heard Deputy Lewis saying: “Is the legislation going to allow for this?” You cannot have legislation, it has to mean that the Constables and many of us have got to shorten our term. We have agreed to that; to shorten the term. Some of the Constables are only going to be there for a year and have said: “Well, let us take another chance and let us move forward. I will go for election again in a year’s time.” What is going on? We have suddenly got all this despair that we have had in the House. We are trying to move forward and now we are getting knocked down with a sledgehammer to say: “No, you cannot do that. You cannot have that.” We have Senator Norman saying about stability. We will upset the whole stability of everything. What more can you have with stability to know that every 4 years the Constable is going to be voted in, all the Constables, attractive that. We want the Constables to have the elections. This will create the stability. It is said that the Constables are the ones that possibly, and I must be careful I do not slap myself on the back and break my arm in the process, but they bring stability to the House. The Constables bring stability. So, therefore you will have the rolling voting, the rolling election, you will have stability there that all the Constables will be there for 4 years. So, at least there will be that stability that will be going on. I cannot see what the big problem is. I really do not. You can have it moving forward. There is no problem about any of that at all as far as I can see. I think that this is the way forward. Let us show that we have got a bit of leadership, a little bit of authority. Let us have all your backing, please. You are all parishioners, you vote in all your Constables, and yet one minute you are saying: “I support my Constable. Yes, we will go and make sure he gets voted.” Now you are saying: “No, we are not going to vote for the Constable for every 4 years. I do not like that process. It is not an agreement that I feel that should be the way forward.” Short, sharp and sweet, stability of the Constables, let us move forward, let us have some innovative ideas. Please let us vote for this one.

**Deputy G.P. Southern:**

May I try another point of order please, Sir? It is my understanding that the PPC has had a ruling from the Attorney General that while the present incumbents can volunteer to stand down, the acceptance of some sort of binding agreement means that any fresh candidates - for example, for St. Helier or St. Saviour in the near future - to the post would be bound and it is not compatible with Human Rights regulations and they could stand for Constable and say: “I am standing for the full term, 3 years, and you try and get me out and you are in trouble.” Could I ask the Solicitor General whether that is the case?

**The Bailiff:**

My understanding of the Solicitor General’s advice, and she will correct me if I have misunderstood it, is that it is all a matter for the legislation, and if the legislation provides for transitional provisions, which allow an option for a Constable to stand down, or not to stand down, then that may be Human Rights compliant, on the other hand it may not be. It is all a question for the transitional provisions which are contained in the legislation.

**Deputy G.P. Southern:**

But, for example, the Constable of St. Helier I know will be standing, he is up for election in January or December, that is a very short term, can that be done in that sort of time? Because my understanding is that anyone standing for the position in the meantime can say legitimately: “I am

standing for 3 years. You try and shift me if you dare.” That is the position. May I ask the Solicitor General whether that is the correct interpretation?

**The Solicitor General:**

Yes, I shall start by saying that the Deputy referred to the Attorney General giving a ruling, law officers cannot give a ruling, we can give an opinion - only a court can give a ruling. Subject to that, the position is that Constables currently have a term of office of 3 years, and as I said earlier, that is arguably a right within the meaning of Article 1 of protocol 1 of the European Convention on Human Rights. The Constables can voluntarily agree to forego that right, but it will still need primary legislation to change the term of office of a Constable, because the term of office of a Constable is 3 years and it really has nothing to do with whether the next candidate says: “I am going to be here for 3 years. Get me out if you can.” That is not the relevance. The relevance of the voluntary resignation is that it is not an interference with the Human Rights if the legislation then changes the term, and that is the relevance of the voluntary resignation of the Constables, but it does need primary legislation to change the terms of office of the Constables because currently it is 3 years for a Constable, and if a Constable retires there is a casual vacancy, and the person who is appointed or elected to fill the casual vacancy fills it until that particular term expires, and only statutory intervention can change the periods as they are now running, and that means not just the length of the period but the start date and the finish date.

**Deputy K.C. Lewis:**

Further point of clarification? My original point, which the good Constable of St. Mary missed, is that I am supporting this. My original question was could primary legislation be in place to change the next term of office for Constables in time for the next election?

**The Solicitor General:**

I think that the Deputy directed it at me, but in fact it is not one I can answer because it depends upon the timetable of the law drafting office, and that is not something that is really a law office matter, we advise on the law but we do not do the drafting and we really cannot give an indication. Certainly it would be against a very tight timetable, not impossible, but it would be a tight timetable.

**The Bailiff:**

The answer to this question surely is very straightforward. The Assembly is being asked to vote essentially on a principle. If the matter can be achieved by 2008, it will be achieved by 2008. If it cannot, it will be 2011.

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

We earlier rejected proposals that a general election go out to a referendum, and many Members have said if we do have a general election that includes the Constables, the Deputies and the Senators, it will become electoral chaos because there will just be so many candidates if we all go out at the same time, so there are logistical problems perhaps with having a full general election. I have, as I said earlier, put in a proposition to the Bailiff, which he will consider in due course, which does ask exactly the same year for the Deputies; that our term is extended to a 4-year term in 2008, the same as this proposition. I have deliberately left the term for Senators unchanged because there has been comment that it will become unattractive for some Members to stand as Senators if we are all on a 4-year term. I have left that for PPC to consider in the round, and if they want to come back with a change that we all are on the 4-year term, and if they come back considering all the logistics of holding a general election when we are all on a 4-year term, that is down for them to consider. But at the moment all my proposition would do is it would bring the Deputies in line with the Constables if this goes through. So, we would have the Deputies and the Constables on a 4-year term and we would have the Senators on a 6-year term unless PPC, in consultation with the Senators, decide to bring forward a different proposal for the Senators. So, I

think that Members can support the Constables today on this. For my proposition, I would ask that it be debated early in the first sitting next time when we sit in September, and I am sure that Members would give it support to create what is an equitable situation then. We certainly would not want the Senators on 6 years, the Constables on 4 years and the Deputies on 3 years. I mean we would be making an even bigger mess for ourselves. I am not jealous, I am not green with envy; if green with envy I would be the same colour as Senator Le Main's tie. I am not green with envy at all, I am being practical about this in bringing an amendment to make the Deputies' term the same as what the Constables are proposing. We have had, I do not know, it seems like a 3-year debate, 5-year debate, rather than just a day and a half on this issue, but I do feel that we should leave this Chamber doing something on electoral reform. I am getting electoral reform fatigue and I really do hope that Members will reconsider -- I know that Members have spoken against this in saying: "Well, what if ..." and so on, they have got all sorts of problems in their minds, but I think that we can support the Constables in this. We can then come back in September change the Deputies' term to 4 years also in 2008, the law officers can get on with creating the necessary legislation in conjunction with PPC, and we will have achieved something. Please, let us achieve something, anything. I am almost to the point where I was going to say: "I do not care what it is." But please let us leave this Chamber having done something. Do not reject this today from the Constables. It is an amendment which brings their electoral cycle all into line, and I think we must support it, and I please do ask all Deputies to consider changing their minds if they were wavering on this.

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

While most of the previous speech was about a proposition which has not been lodged yet, I do agree with the sentiment of the Deputy when he said: "Please let us achieve something." By happy coincidence, 2 of the Constables are currently elected on the same day, and that is myself and my colleague in St. Clement. When Deputy Southern was referring, I thought almost an inordinate number of times, to the fact that I am up for election at the end of the year, he forgot to mention that so is my colleague in St. Clement, and I apologise to the Constable on my right if he does not want that to be published too much. But the fact is we are elected on the same day and we have the same nomination evening. It is a start of the process, but it is going to take a long time and it is going to take probably a century or so to bring the other Constables in line with 14th December, I think it is, nomination evening of course being about 3 weeks before that, or sorry 6 weeks, I am not sure. It has been a very interesting debate and the phrase was used earlier in the reform debate about turkeys voting for Christmas, and this is best example of how turkeys are prepared to vote for Christmas, and it may have escaped some Members' notice that if this is approved, and if the legislation can be drafted to give effect to a 2008 general election for Constables, then at least half of us are going to face 2 elections in the next 12 months, and I notice that one of the Deputies, I forget which one it was now, was suggesting that we were trying to get a 4-year term. Well, perhaps we are, but not before we have willingly embraced, and that again is subject to the legislation, very short terms indeed. So, I do not think there is any issue on that score. We were also asked, I think it was Deputy Martin asked, whether we had consulted our parishioners about the 4-year term, and as it says in the report on page 7: "This 4-year term has been discussed and debated as long ago as the 'Machinery of Government report'", which recommended that the interval should not be less than 4 years, nor more than 5. So, I think Constables can be forgiven for not having called a Parish Assembly before backing this proposition. A 4-year term has been treated, I believe, as a given during most of the debates we have had about electoral reform since I have been in the House. As the chief or the lead tortoise, if that is not a contradiction in terms, the Constable who I think originally suggested that we put this fallback position into the reform debate, I must say I bear some responsibility for the fact that it does appear to be a little bit ragged around the edges. Again, if Members refer to page 7, paragraph 25, we included the statement: "The proposition is framed so that it may be amended or voted on in parts if Members so decide." That, as far as I recollect, was the reason why we decided not to start bringing an amendment to our proposition because we thought it now appears wrongly that Members could simply not vote for the

4-year term and that would allow the 3-year status quo to kick in. But it does seem from the advice we have received today that we are debating a principle and the detail of the single election day, the term of office and all these matters, and indeed whether it is even achievable by 2008, will be left to the legislation when it comes forward, and amendments can of course be put to that. I think certainly the spirit of the proposition is to try to achieve something from this long debate on the reform of our Government, and I repeat the point, that in some ways it will be nicer for the Constables present here today, if this falls, then we have got another 3 years in office, assuming we get elected next time, that is in December, for Deputy Southern's benefit. If it succeeds we are going to face 2 elections, some of us are, in the next 12 months if we decide to stand again. So, I do not think there is any question, there is no self-interest here, the Constables simply want to start the process of moving towards the general election day. We believe that it will generate interest in the position of Constable, there will be very few uncontested elections, everyone around the Island will be saying: "Well, who are you going to vote for for your Constable?" and so on. We think it is a good thing, and for that reason, if for no other, we should be approving this and letting the Law Draftsmen see whether they can knock out something that will achieve what we want to achieve in the way of reform. So, I do urge Members to support the proposition.

**Senator B.E. Shenton:**

Yesterday in the Chamber, Senator Ozouf stood up and said that he agreed with what I had said, which he thought was rather unusual, well, today I am going to stand up and say I agree with everything that he said. I mean several months ago I brought a reform proposition to this Chamber after many months work, and indeed when I set out on my task I was firmly of the opinion that the Constables should not be in the Chamber, and it was a combination of the improved knowledge and the experience of working with the Constables that led me to firmly change my mind. I think we should praise the Constables seated in this Chamber today for pushing forward the reform process where all others, including myself, have failed. The Constables are an asset to the Chamber and their commitment to embrace change sends out a strong message to the public that government reform has not died, and as an Assembly we do listen. In my experience the contribution of the Constables to debate is always relevant and always succinct. We do not tend to get the ramblings associated with some Members of the Deputies' benches. **[Laughter]** I live in Grouville where we are in the middle of a contested election campaign. I remarked to a neighbour that I was surprised that he was not at a hustings earlier in the week, given that he has a long association with the Parish. He commented that he did not know that they were taking place. This is the first opportunity I have ever had to vote in a Constables' election. In all my 47 years I have never before lived in a Parish where a contested election has taken place. **[Laughter]** What Senator Le Main says is true. I think I have lived in just about every Parish on the Island. When I get to Senator Le Main's age no doubt I will have voted in many, many Constables' elections. But perhaps I should have said that I have never knowingly lived in a Parish where a contested election has taken place, given the low level of campaigning that sometimes accompanies elections, and the decision to hold elections during the holiday periods. I believe that we should all support and commend this proposition. This is, in my opinion, an historic change and I am delighted to see certain Parish Constables present in the Assembly today. Hopefully we can push through this and we can add another page to the history of government reform. I congratulate the Constables on leading the House forward where others have failed, and I would ask all Members to support this proposition.

**Deputy P.V.F. Le Claire:**

I will try to be succinct, we have pretty much covered all that needs to be said. I think it is important for Members to know where I stand. When this proposition first came to the Assembly I said it was one of the best propositions that had been put before us in a long, long time, and I congratulated the Comité de Connétables for their work. My views have not changed, they still remain the same. The move to a single election for the Constables is at the heart of the calls for a

general election. I believe the calls for a general election were misinterpreted at the time of Clothier when people were expressing disconcert or concern about the fact that the Constables' elections were staggered. A lot of things leapt from that frustration and Clothier landed perhaps heavier than it would have done had those views not been, in my view, misinterpreted. Many people expressed the opinion at that time, including myself, that on occasions Constables' elections occurred without people being fully aware, maybe due to their own negligence, maybe due to the fact that it was not done on the same day. This proposition does more to address the call for a single general election than anything else that has been before us. Time in Jersey is something we are very short of, in fact it is one of the few areas where we do have poverty; we have time poverty. We have so much to do and so many things and so little time to do it in that many of us run ragged most of the time. If you step into the offices of the Constables of the Parishes, as I have done recently serving as a Deputy, you begin to see just how busy the Constables' work is. The Constables are at the moment in need of, in my view, more time to do what they need to do. There is a great deal of pressure on them; they are fulfilling various rôles in admirable ways. They deserve our support 100 per cent today, and if they view that the Deputies need a longer time to do their jobs all well and good, but that is not the reason why I am supporting this. The reason why I am supporting this today is because the root, the stem, the heart of the call for a general election stemmed from this proposal. If you have a different view, then in my view you are part of the misled. Because it is from here that people are calling for the general election. I hope the Constables themselves can pull together and support their proposition in its entirety as I will be doing, and I hope other Members will be doing too. The Constables deserve our support and they are putting forward something that people have been calling for for a long time; a clear election for Constables across the Island on a single day and they need the 4 years to do the work they are involved in. It is a new Ministerial form of Government; many of them have diverse functions. So, let us be clear, it is what the people want, the people have been asking for it for years.

**Deputy A. Breckon of St. Saviour:**

I will be brief, but I wanted to comment on the fact that a few Members have said that it is not a good idea to have changes in part and there should be wholesale change. Well, I think this House, Sir, and previous ones have rejected that and I have always felt that any change must come in bite size and manageable parts and I think this is an example of that and I think it is a way forward. It needs to start from somewhere and I think the Constables should be considered the pioneers of progress in this manner because I was reminded, Sir, that in 1999, I had a report and proposition that Senators and Deputies should be elected on the same day and for a 4 year term and we have never really debated that. The other aspect of that is that I think there is a feeling among the public that 6 years is too long a term for Senator, in that if somebody goes off the boil they are there for a period of time and, perhaps, Senator Shenton is in a honeymoon period, Sir, you only have to look at him to realise that and he is in the early part of a term and, perhaps, if he was in a fifth or a sixth year his perception of what the Government is, what he thought it was, and how he is still performing might have led to issues of general interest. But I think, Sir, that this should receive the support of the House. It is a benchmark for how others may move on and without it I fear that absolutely nothing will happen. I think it is good that it is a single day, because in general terms you only have to look at the list of Members and when they were elected and you will see that the staggering of the Connétables sometimes means that the public and, indeed, ourselves are not aware that somebody is up for election. If that brings it to the public's attention then that has got to be good and healthy for the people of the Island, how they view the Government and how they view a very important part of it which is the Connétables of the Parishes and I hope - although Members have expressed some reservations in this - I hope they will support it in its entirety because I think it is a positive way forward. Thank you.

**Deputy S. Power of St. Brelade:**



I will be brief. After the frustration of the last 2 days, I will echo the words of Deputy Troy, I think I would vote for anything right now to achieve some progress, even if it was boiled eggs at lunchtime. **[Laughter]** The past 2 days of inward-looking time-wasting nonsense has left me still feeling very frustrated and we had a Parish Assembly last night in St. Brelade and one of the elders of the Parish came up to me and said: "You sounded really angry yesterday" and I said: "I was, I was angry and frustrated and I still am." The significance of this proposition was lost on me until I went through the purgatory of the last 2 days. **[Laughter]** I had read the proposition but I read it again this morning with a very different perspective. While it is a proposition about the Constables and for change, it is also a very significant proposition for change. The significance of this proposition has become even more important. The fact that the Constables want a single election day and a term of 4 years is going to now galvanise this Assembly for change in the not too distant future. The charge has come from the most unexpected quarter, in my view, which is the Constables. So, I will be supporting this proposition 100 per cent and I would be very interested to look at those who vote against this proposition, because those who vote against this proposition do not want change in any way, shape or form. So, mark my words, there will be change in this Assembly because of this today and I will be supporting the proposition. Thank you, Sir.

**Senator F.H. Walker (Chief Minister):**

I have absolute support for the idea of the proposal for the Connétable to be elected on the same day, absolute support for that and I have consistently shown my support for the position of the Constables in the States and the enhancement of the parochial system but I regret, for reasons I will come to in a minute, that I believe the proposition to move to 4 years will result in electoral chaos and confusion. Well, Sir, I am getting groans from my left, which is unusual, but let us look at the calendar. We have a choice here. Either, if we adopt this proposition, we will have elections for half the Senators, all Deputies and the Connétables in 2008. We will then have another election for Deputies and Senators in 2011, another one for Constables in 2012, another one for Deputies and Senators in 2014, another one for Constables in 2016, then another one in 2017, another one in 2018. If that is the way to stimulate electoral interest, and I am sorry it is completely lost on me, that will be total electoral overkill, or the alternative is that all Members are elected on a general election day. But PPC made it very clear yesterday when they came forward with all the research they had done, that a general election day simply is unworkable, to use their words: "If we retain 3 categories of States Member." So, we have got a stark choice here on the back of this proposition - we either go into an electoral calendar period where we have elections every 2 years and for a period every single year, or we try and have a general election for all 3 categories of States' Member at the same time. Neither, in my view - and I say this with regret and sadness - neither, in my view, is in any way workable. It is not joined up thinking. We, yesterday, and in previous debates rejected all joined up means of reform. This is piecemeal reform and I say, again, I absolutely support the idea of the Connétables being elected on the same day. Why, oh, why they did not go along with the comments made by their Chairman in the last debate, where he agreed that the proposition would be amended to a 3-year term, I just do not know and I am very sad they did not. Had they done so, I would have fully supported the proposition, but on the basis of 4 years, with the chaos that I am convinced it will cause, I simply cannot support it. So, Senator Ozouf's proposal is that we support this proposition today, so we send a message out to the public that the Connétables are going to a 4 year term, then when it comes to the regulations, well we may be going back to a 3 year term, what message does that send out to the public? I can see the headlines now, one step forward then status quo we move all the way back again. It just, I am afraid, does not stack up, it does not stack up. I cannot, I am afraid, and I do say this with absolute sadness, I cannot support this proposition on the back of 4 years. If it were 3 years it would have had my 100 per cent unstinting support, but on the back of 4 years, in isolation to everything else, we are heading for chaos and confusion. We will achieve exactly the opposite in terms of stimulating electoral interest to that that we are all trying to achieve. So, Sir, I am sorry I do not think this proposition holds water and I will not be able to support it for the reasons stated.

**Deputy P.N. Troy:**

I think the Chief Minister was out of the Chamber earlier when it was advised that there is a proposal being put forward that the Deputies also to go 4 years. I think he may have been out of the Chamber.

**Senator F.H. Walker:**

If I may respond to that. I was in the Chamber but the same thing applies. The calendar of elections would still be the same. You would have Constables and Deputies then in the same year and Senators out of sync, so you would still end up with elections every year over a period of 4 years.

**Deputy A.D. Lewis of St. John:**

I would just like to come in on where Senator Walker has just expressed concern. I am fully in favour of this proposition except the 4-year term. I think it will cause some election chaos. I am just wondering if there is another way forward here. Senator Ozouf has proposed a way forward, Deputy Troy has done something similar. The thing that I do not think we have enough information on though is just what election chaos would it cause. It is not in the proposition here. I would like more information on that, so we can make a more informed decision and that is what worries me. Everybody is saying this is going to cause - not everybody, some people are saying this could cause election chaos. The way Senator Walker just described it concerns me greatly. I do not think it is a step forward as a result, it is a step backwards, and if that is the case, what I would like the Comité des Connétables to do is come back with more information, discounting what Senator Walker has said, and say: "Look, this will not cause that problem." So, I would like to, Sir, propose a reference back and they come back **[Members: Oh!]** with the information so we can make an informed decision because at the moment from what I am being told this is not going to work. I would like to propose that, Sir.

**The Bailiff:**

Is the proposal of the Deputy of St. John that there be a reference back to the Comité des Connétables to obtain this further information seconded? Well, there is no seconder. I am afraid the proposition fails. **[Laughter]**

**The Deputy of St. John:**

I think that is the first, Sir. I have never seen that before.

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

I have been one of the leading proponents for change and I supported Clothier and I always have and I do think we made the right decision way back and I always was disappointed we did not do the thing as a whole and we did it in piecemeal. I am sorry, again, we are carrying on that trait. We have failed and we have acted like turkeys and we are members of self-preservation society and today I feel we are pulling up the drawbridge and digging the deepest bunker possible to avoid change. I am glad to be following Senator Walker because the train was going, you know: "We have all got to go for this, this is the greatest thing, the greatest reform we have had since sliced bread." This is not. What we are doing, we are looking after ourselves and if the public cannot see through it, I am sure they will because we are looking after ourselves. We have now got the Constables saying: "Look, after ourselves, folks." We have now got Deputy Troy coming through on behalf of the Deputies saying: "Oh, let us have 4 years ourselves. Look after ourselves." I thought we were here for a States Assembly to have some cohesion, some unity and some unifying effect. What we are doing here is we are separating. We are looking after Senators, they will be next. We have not had them yet, but they will come next. We have got the Senators, Deputies and we have what Senator Walker said: "We have got chaos." I believe all we are doing is rearranging the deck chairs on the Titanic. I am not having anything to do with it. I believe reform should come total not piecemeal.

**Deputy I.J. Gorst:**

I came today concerned that tomorrow I might be suffering from electoral reform withdrawal symptoms. In fact, I was fearful for those Members who have been involved in this process for 7 years who were about to have to go cold turkey. However, Deputy Troy on his charger has calmed my fears. **[Laughter]** This proposition, Sir, as Senator Ozouf so ably said, is evolution, not revolution. It is not, in my opinion, piecemeal. It is acceptable evolution towards what we were told the public want in the MORI poll and that is a general election. So, it seems to me that sometimes we in this House want to be standing in both directions. We have rejected revolutionary change only yesterday. Here we have before us a chance again for evolutionary thought through change. Yes, there are some concerns in Members' minds about terms of office, but that can be addressed either through Deputy Troy's amendments at a later date, or through amendments to any proposals that PPC will bring forward to change the terms of office. It will not and it need not be chaos. After all, we ought to be the lawmakers. PPC can deal with any technicalities, I believe, or ought to be able to deal with any technicalities, about confusion in terms of office and, if they cannot we, as a combined body, ought to be able to. I am supporting this proposition and I ask other Members to support it as well. It is not a step back, it is a step forward towards what PPC in their proposition felt was one of the fundamental changes that needed to be made and that is to a single election day. Thank you, Sir.

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

We have all sat through a number of propositions for reform in this House recently. Some have taken longer than others to debate, some have been innovative and all have been rejected. The Constable of St. Mary has described this proposition is innovative. He tells us that the Comité have shown the leadership that he thinks is lacking in the House. It seems to me that that leadership has resulted in Deputy Troy's proposal to increase to 4 years the term of office of a Deputy. So, if this proposition is accepted today, all Connétables will be elected on one day for a 4-year term. If we then approve Deputy Troy's proposition, all Deputies will have a 4-year term. So, what innovative reform do we end up with? We will have a same day election for all Connétables and increased terms of office for 41 Members. Just last year though, 68 per cent of respondents to the MORI poll said that there were too many Members in this House. Our response then in this innovative reform is to retain all 53 Members and to increase the terms of office of 41 of them. What Senator Walker has said I must reiterate. This will lead to election chaos and people are saying "no" but I am entitled to my opinion and I will express it. **[Applause]** That is the reason that I am here, to be able to speak in this Assembly. What Senator Walker has said I will reiterate. This will lead to election chaos. I am not arguing; it will. **[Laughter]** The fears, Sir, of elected Members, Deputy Gorst thinks have been calmed. The fears of the public, Sir, I believe will have been increased.

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

It has been a very disappointing 7 years in respect of reform from the first days of reading Clothier to where we are today. I was just reminded, if my memory serves me right, of H.G. Wells that all people are equal but some of us are more equal than others. Then I was reminded that not so very many years ago we all went, or many of us, went to France to nearby Normandy on a French liaison visit to improve the relationship between Normandy and Jersey and some Members were in a very posh hotel on top of the hill, I understand, like the Senators and your good self, Sir. **[Members: Oh!]** I cannot verify it because I never got there. The Constables were in a very pleasant chateau with its 4 poster beds and us Deputies were in the 2 star boutique hotel at the bottom end of town overlooking the river. But I emphasise the word "Deputy" as I was reminded yesterday and not "Deputé", in other words, we were at the bottom end of the run. It turned out, in fact, that we were at the top end of the run, because the big posh hotel did not have the facilities the 2 star had or the pleasant walks or things like that without a great deal of effort. There was no hot water in the chateau **[Laughter]** and I am entitled to my say I hope as well -- and today we are talking about trying to have the same-day elections, but whatever we do to try and get there,

someone comes up with a reason why it will never be achieved, or it is going to take so long to be achieved that we are going round in this same ever ending circle that I think that the Deputy of St. Martin has probably covered exceptionally well for me not to repeat it. I think that we have to move forward. No, I do not think this particular proposition is particularly good at this moment in time, but I do not like all the delays and procrastinations that we have had and, therefore, I will vote for this proposition and hope that we can sort ourselves out within the realistic reasonable future. Thank you, Sir.

**Senator S. Syvret:**

I really thought this was going to be a fairly quick debate when I arrived here this morning. Instead, we have listened to some speeches from some strange bedfellows, indeed, in some cases. I have listened to them trying to assemble some kind of inchoate scheme for opposing this particular proposal before us today. But the thing that I just cannot understand is that the Constables have voluntarily, of their own volition, come forward and have brought forward to this Assembly a proposition that represents, by the standards of Jersey, a major and dramatic step forward and modification of the system. Many of the Constables, perhaps the Constable of St. Peter could elaborate on this just to make it clear when he replies, but my understanding is that, should this be accepted, all 12 Constables are in agreement that they will stand down and contest the 2008 election. If Members are unhappy with the 4-year term of office, this is just an unprincipled decision here. You can come back in the autumn session with an amendment or, indeed, an amendment to the draft legislation when it is brought forward to the effect that the term of office be reduced to 3 years or whatever as Members choose. But one of the big problems with democracy in Jersey, and I have always defended the position of the Constables in the States, but I have always said to them when doing so they have to be realistic. If they wanted to survive in the States they have to be prepared to modernise to some extent and one of those key modifications was all of them coming up for election on the same day. They, to their credit, have embraced that and I cannot perceive of why the House should be opposed on that.

**The Bailiff:**

I call upon the rapporteur to reply.

**The Connétable of St. Peter:**

I think that we have certainly heard some extremely good and supportive views from Members at large. We have also heard some of the reasons why we should not entertain it at all. I think we heard an early endorsement from the Connétable of St. Martin and that was followed by his colleague from St. Clement and the option of completion of term would be dealt with clearly, which was outlined I think leading from the Connétable's question. The Solicitor General touched on the intricacies around the term of office because we fully accept there will be areas that are going to be a trifle delicate and really I think it takes in Senator Syvret's concern as well that, yes, Members of the Connétables group will be required to effectively vacate their position at an earlier period than they would normally have done, but there are ways that we can deal with it. Indeed, all the advice that we have taken, I think for the assurance of many comments, all the advice that had been given to us, indicated that if a Connétable did say that: "I have been elected for 3 years and I wish to see my 3 years out" that it was not insurmountable, there was a mechanism which could have taken care of that. What it would mean, in short, that the term following would clearly have some effect on it, so in other words the person who would replace him might find himself in a shorter term. To conform with a regular timing, all of them would finally, after one set of elections, everyone would sit comfortably, with the 12 elected on the same day. Now, that was a matter that was discussed fully by our Connétables Comité and, indeed, I have to say 2 Connétables did express concern in that direction, but they were happy to go along with it on the basis that that would be something that could be dealt with. Deputy Baudains was concerned about the human rights, and as we have got the situation in place as our proposal intends I am sure that the human

rights is no different than what it appears in many other areas. In fact, the matter of dealing with the elected persons at any time of the year, which Deputy Baudains made, at the moment all the Connétables come along at various times of the year because the elections are not regular by any means as we all know, so a Connétable can pop up at any month of the year and, in fact, he can disappear from a Panel, a Committee or any responsible position that he holds and undoubtedly has to be replaced by a newcomer or an existing Member. I thank Deputy Le Hérissier for his remarks. Deputy Southern had queries and difficulties with some of the matters being achieved and it would appear not convinced by some of the motives behind it, but I can assure the Deputy that we recognise that there are difficulties to achieve and we will do our very best with law officers and with the Crown officers and whoever it takes to ensure that we get a smooth passage and a direct way forward. Sir, the mention was made by the Connétable of Grouville about possibly splitting the vote. Now, I think I am right in interpreting that you have ruled that we have to take it as a complete proposition?

**The Bailiff:**

Yes.

**The Connétable of St. Peter:**

I thank Deputy de Faye for his comments and outlining his reasons for that support. Again, the Deputy of St. Mary was concerned at the 4-year term of office and dealing again with the Members being lost on panels, et cetera. Well, that is something which I have referred to. Senator Norman agrees that the current election process is not good, but refers again to the loss of 6 Connétables, the possibility of 6 new Connétables. Well, again, that could happen at any time, the next 6 Connétables that are up for election could lose their seats. No different than 6 Members of this House currently could lose their seats next autumn. So, I do not think there is anything that is unusual about that. Deputy Martin agrees with question (a) but is a little concerned in other areas. Have the Parishes been asked? Well, the Parishes have sent, certainly in many cases I can assure the Deputy and the House, a very resounding message time and time again that they want to see stability. They want to see Parishes take a lead and come and play their part in the stability of not only the Parish, but very importantly and rightly, the Island at large, and by the Island I mean within this Chamber and that is our sole aim behind the driving move to get this forward. I thank Senator Ozouf for his comments and Senator Ozouf assured Members once again of some of the difficulties that might be around it, one or 2 areas, and that it is achievable with an amendment, if necessary, at the time of regulations coming into being. The Connétable of St. Brelade has outlined the benefits that he believed would be gained from this proposal. Deputy Huet was concerned again with the manner of our 3 to 4, and why did we go back to 4. Very simply, what happened on that, it was a fully discussed option that we had taken and I fully acknowledge and accept that the Connétable of St. Ouen, our Chairman, did state that he would be minded to revert back to 3 years but, at the same time, it was again illustrating the lack of will to move forward when just about everyone was suggesting, and it has been suggested for the last 2 days time and again about the increase in the term to 4 years. We felt if there was a time to tackle it, then let us tackle it head on, and if the Members, if you as an Assembly, everyone present, does not like it, quite frankly you will tell us and you will vote against it. But I sincerely hope that the reasons for which we have done it are there in a very, very laudable and are very correct, in the light of trying to gain benefit from it. Deputy Lewis was encouraged with the manner of the proposal and certain areas, which he referred to, will be dealt with by way of the regulation to which I have referred, which, in any event, will have to follow and will have to form part of it. The Connétable St. Mary, on the same point, referred to the general common agreement and again answered an area of concern with regard to the variants of the terms of office. How refreshing Deputy Troy is at times. He entertains us, comes out with all sorts of surprises, but I am sure it must have shaken the other Deputies rigid to find out that he is going to take it on himself to come up with 4 years. Perhaps Deputy Troy is not as misguided as sometimes he implies [**Laughter**] because he is clearly following the lead of

the Connétables. But nevertheless, I thank the Deputy for his comments. The Connétable of St. Helier highlighted the terms being extended but stressed again the benefit which would be derived and this, to be remembered, all the subject of agreement by this House when legislation is brought. I thank Senator Shenton and indeed what a pleasure it is to hear one day Senator Ozouf extolling the virtues of Senator Shenton, who, the following day, having slept on it and thought about it overnight, has come back and done exactly the same thing. **[Laughter]** Deputy Le Claire, I thank him for his comments in outlining his concerns and in the first instance but reinforcing, without any question, his conviction and being convinced that it was for the better in the long-term future. I thank again Deputy Breckon for his comments and take the point that I think the Deputy stressed, that clearly it is not perfect, we do not aim to say, and we will not state that we have the perfect answer, we have one block in the wall, and that is all. That is the way that we have to see it, surely. We have put a block there where others have failed and clearly we have to start somewhere because if we continue as we are, we will never even go anywhere near putting any blocks in a wall and we will never build any change or structure for this House. Deputy Power stressed his frustration of the last 2 days. I hope that with the weekend soon upon us that he has a very peaceful and restful time on the weekend, but I thank him for his comments. Senator Walker is concerned at the future years and chaotic ballot voting or election days because there is going to be too many. I take the message. It will only be too many if the rest of the House decides to do nothing. That is what it will mean. But if the House is at least prepared to give a start, to just give that little kick start to it, and others may follow in various forms but on the same principles, I am sure that at the end of it Senator Walker will look back and say: "Right, I did have those reservations but I am pleased to say that they have been allayed and it is a sensible way forward." So, I would sincerely hope that he reconsiders his position of being able to support this proposition. Deputy Lewis of St. John required assurances and then promptly went up to propose reference back. I think his answer was very clearly given and I do not need to elaborate on it. **[Laughter]** Deputy Hill accused the Connétables of selfishness and looking after ourselves. I wish we had longer in this day because, my word, we could not half cover some territory on some of the Deputies' fronts. But, nevertheless, I am not going to score points over the Deputy. He is a man who has been in this House for many, many years and his decision will have to be based, I would hope, on sound logic and at least an ability and opportunity to give us a fair starting chance. Deputy Gorst of St. Clement described the proposition as evolution and not revolution and a step forward. Again, the Deputy of St. Lawrence, Deputy Mezbourian, stated that we would be heading again for election chaos. I believe that I have addressed that in the answer to Senator Walker and I would sincerely ask that the Deputy perhaps revisits her decision and be assured that I have never seen St. Lawrence in chaos yet and I have no doubt St. Lawrence will never be in chaos on election day. Deputy Fox, again what entertainment he brought to us. He is greatly concerned at the state of the French chateaux **[Laughter]** but, nevertheless, it is so pleasing to find that he did, after his immediate concern or initial concern, then find something to his liking, and I am sure that we appreciate your comments, Deputy, in support of this. Senator Syvret, the position of the Connétables facing a shortened term, yes, that is a very important issue and there is no way we want to railroad anybody unfairly or unreasonably. We are conscious that at this moment there are 5 that have been up, and you could say it is easy for me to say because I have just past the hurdle of mine. But, nevertheless, we value the contribution that the respective Connétables have made and I stress again, we will not railroad anyone. We will explore every opportunity to have absolute fair play seen to be done and transparent in every sense of the word. I thank the Members for their patience and their time, Sir, and all their contributions. I think that it only remains for me to ask for the status support on this motion and thank you, Sir, for guiding us through it.

#### **The Bailiff:**

I ask Members who wish to vote who may be in the precinct to return to their seats and I will ask the Greffier to open the voting which is for or against the proposition of the Comité des Connétables.

**POUR: 35**

Senator S. Syvret

Senator T.A. Le Sueur

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator B.E. Shenton

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Saviour

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy P.N. Troy (B)

Deputy R.G. Le Hérisier (S)

Deputy J.B. Fox (H)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

Deputy P.V.F. Le Claire (H)

Deputy J.A.N. Le Fondré (L)

Deputy S.S.P.A. Power (B)

Deputy A.J.D. Maclean (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

**CONTRE: 12**

Senator L. Norman

Senator F.H. Walker

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy G.C.L. Baudains (C)

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy P.J.D. Ryan (H)

Deputy D.W. Mezbourian (L)

Deputy S. Pitman (H)

Deputy of St. John

Deputy of St. Mary

**ABSTAIN: 0**

### **3. La Carrière redevelopment and rock face stabilisation works (P.78/2007)**

#### **The Bailiff:**

We move on to Projet 78. I have a family interest in this matter. I shall ask the Greffier to take the Chair for this proposition.

**The Greffier of the States (in the Chair):**

I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion: (a) to authorise the public to enter into contracts or deeds of arrangement with the owners of various properties forming parts of the northern, western and southern boundaries of Le Carrière Estate, Grands Vaux St. Helier, in order to redefine those boundaries prior to the stabilisation of the rock face; (b) to agree rights of access to undertake the stabilisation works with the public being responsible for any costs associated with enclosing any of the boundaries and/or resultant legal fees, to authorise the Attorney-General and the Greffier of the States to pass the necessary contracts on behalf of the public of the Island.

**Senator T.J. Le Main:**

I ask Deputy Hilton to act as rapporteur.

**The Greffier of the States (in the Chair):**

The Assistant Minister.

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

On 15th February 2002, the States approved the redevelopment of Le Carrière Estate. A feasibility study was completed in 2002 and a scheme to improve the accommodation has been agreed. Before this work can be carried out, the rock face to the west must be stabilised. It is seen as essential the boundaries are properly defined prior to the rock stabilisation being carried out, and therefore for the refurbishment work to be carried out also. It is necessary for the public to enter into deeds of arrangement with each of the owners of the properties currently neighbouring Le Carrière, with the public being responsible for rock face stabilisation works and for the payment of reasonable legal fees incurred by the owners of the said properties. I make the proposition, Sir.

**The Greffier of the States (in the Chair):**

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

**Senator T.J. Le Main:**

Could I just make a comment on this. I certainly would like PPC to look at these kinds of propositions that are coming to the Assembly. I think this is the kind of proposition that could easily be dealt with by the Minister's Department, the Minister concerned and the department, or notify to the Assembly, particularly when there is no financial or very minimum cost that can be met by the department. So, I would urge PPC to look at some of these proposition that are coming to the Assembly, which take a lot of time to prepare and which could easily be dealt with on another basis.

**The Greffier of the States (in the Chair):**

Do you wish to reply, Assistant Minister? Straight to the vote? Sorry. Please, Deputy Baudains.

**Deputy G.C.L. Baudains:**

I have no problem with the proposition whatsoever and obviously will be supporting it. I do have a little difficulty with something that is mentioned in the report, in the background. If I understand the proposition correctly, the property will be improved and refurbished as opposed to redeveloped. It does seem to me that this property is in a condition whereby it would probably be more economical to redevelop it than to refurbish it. I wonder if the Assistant Minister in her summing up could address that matter. I would hate to think we are throwing good money into what I consider to be a not very sound property.

**The Greffier of the States (in the Chair):**



I call on the Assistant Minister to reply.

**Senator J.A. Hilton:**

I visited the site this week to have a look at the property for myself and obviously to look at the rock face and I spoke with the officers concerned. A decision was made, after the feasibility study was completed in 2002, to refurbish this property rather than demolish it. That was the decision that was made.

**The Greffier of the States (in the Chair):**

I put the proposition. Those Members in favour of adopting it, kindly show; and against. The proposition is adopted.

**4. Draft Financial Services Amendment of Law (Jersey Regulations) 2000 (P.79/2007)**

**The Bailiff:**

The Assembly comes now to the draft Financial Services (Amendment of Law) (Jersey) Regulations 2000. I ask The Greffier to read the citation to the regulations.

**The Deputy Greffier of the States:**

Draft Financial Services (Amendment of Law) (Jersey) Regulations: the States, in pursuance of Article 4 of the Financial Services (Jersey) Law 1998 have made the following regulations.

**Senator P.F.C. Ozouf:**

The purpose of these regulations is to extend the regulatory oversight by the FSC (Financial Services Commission) to money service businesses. These changes are required for Jersey to meet international standards including the Financial Action Task Force on Money Laundering Recommendations. As Members will be aware, these will be used for the benchmark in the IMF (International Monetary Fund) visit in the assessment for Jersey next year. These draft regulations implement Financial Action Task Force recommendation number 23 and special recommendation number 6. They provide a framework of measures for combating money laundering and the financing of terrorism through money service businesses. Money service businesses are engaged in the business of bureau de change, transmitting or receiving funds by wire or electronic or other means and providing, for example, cheque cashing facilities. Persons carrying out money service businesses already are required under the Money Laundering Order to have systems and training in order to prevent money laundering. However, Jersey is currently lacking an oversight regime to check that such businesses are compliant with the requirements set out in the order. This puts the Island at variance with the international standards issued by the FATF (Financial Action Task Force) and the International Monetary Fund and these have been noted in the deficiency in the IMF's report of 2003. These regulations and the associated Financial Services (Money Service Business) (Exemptions) (Jersey) Order will provide a mechanism for the oversight of persons carrying out money service business. This will meet the international standards that have been set. It is achieved by extending the regulatory oversight by the commission to money service businesses. The Island's compliance with FATF recommendations on money service will be reassessed by the IMF in early 2008. Failure to apply international standards could, at a worst case scenario, result in Jersey failing to be considered as an equivalent jurisdiction for anti-money laundering purposes, for example, the European Union. This would have adverse consequences to the Island economy. These regulations will work in conjunction with the exemption orders so that persons with an annual money service business turnover £300,000 or more will have to seek authorisation of the commission if they wish to carry out a money service business and will be subject to entire regulatory regime under the financial services law. A person with a money service business below £300,000 will only be required to notify the commission that it is an undertaking in the money service business. However, the business will be also subject to all aspects of the Jersey Financial Services Law other than the particular issues concerning the registration. The combined effect of these regulations and exemption order on most persons carrying out money services

business is expected to be minimal. The £300,000 turnover limit should result in only the largest providers of money service business in Jersey having to seek authorisation of the commission. In the majority of cases, a person will be able to carry out money service business after simply by notifying the commission of its intention to do so. Draft versions of the regulations and exemption orders and the proposed fee have been consulted on widely by the commission. The legislation laid before the Assembly takes into account comments made by interested parties. Members will be aware this is an important piece of legislation. It is essential that we provide an effective regime to combat money laundering and terrorist financing in accordance with international standards. This is the first of a series of amendments and laws which will be taken to deal with the IMF visit next year so I move the preamble.

**The Bailiff:**

Is the preamble seconded? **[Seconded]** Does any Member wish to speak on the principles of the regulations? I put the principles. Those Members in favour of adopting them kindly show; those against. They are adopted. This is a matter for the Economic Affairs Scrutiny Panel. Deputy, do you wish to scrutinise?

**Deputy G.P. Southern (Chairman of the Economic Affairs Scrutiny Panel) :**

No, thank you, Sir.

**The Bailiff:**

Very well. Minister, do you propose the --

**Senator P.F.C. Ozouf:**

I think the Regulations are fairly self-explanatory, Sir. They deal with the issues of exemptions, et cetera, and I propose to take them *en bloc*.

**The Bailiff:**

Very well. Regulations 1 to 5 are proposed and seconded. **[Seconded]** Does any Member wish to speak on any of those Regulations? I put the Regulations. Those Members in favour of the document, kindly show; those against. They are adopted and you move the Regulations in the Third Reading?

**Senator P.F.C. Ozouf:**

Yes, please, Sir.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations in the Third Reading? I put the Regulations. Those Members in favour of adopting them, kindly show; those against. The Regulations are adopted in the Third Reading.

**5. Jersey Financial Services Commission: appointment of Commissioner (P.88/2007)**

**The Bailiff:**

Now we come to Projet 88, Jersey Financial Services Commission, appointment of Commissioner. The debate must of course take place in-camera but I ask, first of all, The Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998 to appoint Sir Nigel Wicks as the Commissioner of the Jersey Financial Services Commission for a period of 3 years.

**Senator B.E. Shenton:**

Sir, I want to affirm that it is regulated by the Jersey Financial Services Commission and as such I think it would be wrong of me to sit in a debate that appoints a regulator to the firm, a Commissioner to the firm. So, therefore, I will withdraw from this debate.

**The Bailiff:**

Thank you, Senator. Senator Shenton bears an interest and has withdrawn.

**The Deputy of St. Mary:**

Sir, I wonder if you might clarify. My husband has an interest. Does that affect my position here or not, Sir? My husband owns a firm which is regulated. Does that make a material difference?

**The Bailiff:**

It is not obligatory, Deputy. It is a matter for you, I think.

**The Deputy of St. Mary:**

Thank you, Sir.

**The Bailiff:**

Before I call upon the Minister to propose the proposition, I must ask members of the public in the public gallery to withdraw, please, as the law requires this to take place in camera and the media to cease the transmission of proceedings.

**[Debate proceeded in camera]**

**The Bailiff:**

I invite the media, if they can hear me, to come back into the Chamber and any member of the public in the precincts may return to the public gallery. I put the proposition. Those Members in favour of adopting it, kindly show; those against. The proposition is adopted.

**ARRANGEMENT OF PUBLIC BUSINESS**

**The Bailiff:**

We come now the arrangement of public business. Mr. President?

**The Connétable of St. Clement:**

I would like to propose the arrangement of public business as outlined under (M) on the pink sheets of the Consolidated Order Paper, Sir, with the addition on 25th September of the Draft Public Election (Amendment No. 2) (Jersey) Law 2000, P94. I understand also, Sir, that there will be an amendment proposed. In the meantime, I propose the arrangement as outlined.

**The Bailiff:**

Does any Member wish to speak on the arrangements? Deputy Breckon?

**Deputy A. Breckon:**

Yes, Sir. In the case of good order I would ask that the Business Plan is not taken on that day, the reasons being that it would mean that as August Bank Holiday is not classed as a working day, any Members or any Scrutiny Panel that wished to propose any amendments and give this matter serious concern would need to do so, Sir, by 5 weeks today. I think there will be some problems in obtaining information. I have had a chance to have a quick look at this. It is a substantial document and it changes the way in fact this House does business and in effect the budget debate is more a taxation debate now rather than an actual committee budget, department budget or ministerial budget because this is contained in here. Adding to that, Sir, as well as an individual of the Scrutiny Panel, I have a very, very deep concern about the level of increase in supplementation

of Social Security, which amounts to £11.2 million, which is close on 20 per cent over 2 years without an adequate explanation from anybody. I would add to that, Sir, I did meet with officers of the Department on 1st June and have been seeking this information and have yet to receive it. As I am Chairman of a Panel that has some responsibility in that area, I wish to be able to do this and I do not think I would be able to do that as an individual, as a Panel member, and other Members perhaps the same, by 11th September, bearing in mind that some people, politicians and officers, would be on holiday. So, I would ask, Sir, that it is not taken on that day. To add to that, Sir, the budget is set for 4th December and I understand that procedures say that this must be debated 3 months before the end of the year. So, it could be debated at a later date in September, Sir, and I would ask Members in giving good order, and having an effective government and being able to look at this in a reasonable timeframe, bearing in mind that some people may be away as well, that it is taken on the 25th September and not the 11th. Thank you.

**Senator T.A. Le Sueur:**

As the person responsible for the financial affairs of this Assembly, I have to oppose that most vehemently for a variety of reasons. The date of 11th September should come as no surprise to States' Members. It has been understood that the whole timetable of the State Assembly works around certain key dates such as the budget date and the business plan debate, and these dates are set for very particular reasons. What we have endeavoured to do, and I believe have succeeded in doing, is giving Members sufficient time to look at, scrutinise and lodge amendments to both the business plan and the debate. The Standing Orders require that the Annual Business Plan be lodged no less than 6 weeks before the matter is debated in order that Members can lodge amendments within a 4-week period. The Council of Ministers or Chief Minister, in whose name this Plan was lodged, have exceeded that and have allowed Members 8 weeks between the date of lodging and the proposed date of debate, recognising that there is a Bank Holiday in the way, and this is in the middle of the summer period, and Members do need a bit more time. The Council of Ministers have done everything to try to ensure that Members have adequate time to lodge any amendments they may want to make to the annual business plan. I would point out furthermore, Sir, that in the interests of ensuring that this process has the maximum time available, Scrutiny Panels have had parts of the Business Plan made available to them in advance of lodging in order that they may look at their own particular areas. Deputy Breckon cites what he has done in respect of the Social Security matters. I believe that he can get the information within time but I point out a more fundamental difficulty, that if I am going to lodge a budget in sufficient time to give Members due time to scrutinise that and lodge amendments to the budget, I need the certainty of what the Business Plan will contain at the earliest possible date. To leave it until 25th September would not enable us certainty. It would be touch and go whether I could lodge a budget 6 weeks before it would be debated, let alone any longer period of time. That, I think, is unfair to States' Members who may equally want to look at the budget proposals, particular as, unlike the Business Plan, there will not be such a chance to give Scrutiny Panels such advance notice. Sir, I do believe that this is no more than a delaying tactic and it is compounded by the fact that on 25th September Members will already see, with the addition of public elections, significant times for debate and given the High Hedges Law and the Income Support Regulations, just trying to add a Business Plan to that we would, I think, be overburdening States' Members unnecessarily. We do have timetables which we try to adhere to in order to achieve the orderly management of States' business. I believe that what we have here is the orderly management of States' business and I urge Members not to be swayed by Deputy Breckon's suggestions. I totally reject the suggestion of moving this date to 25th September. If the House were sufficiently misguided to change I would have to ask for a further sitting on the 18th September 2007. I do not want to do that. I believe we could sit on the 11th September 2007.

**The Bailiff:**

Deputy, I should ask the Chairman of the Scrutiny Panel.

**Deputy P.J.D. Ryan:**

I have the greatest deal of sympathy for both sides of this particular case. I do have sympathy with Deputy Breckon because I know, and in fact Corporate Services has written to him asking if his Panel is going to be prepared to look at the Social Security supplementation situation, because we think it is very, very urgent that his Panel does that. I hope that Deputy Breckon will appreciate my position where, as Corporate Services Scrutiny Panel Chairman, I have to support the Treasury and Resources Minister in that the orderly conducting of business, in this case, would take precedence, I am afraid. So, I will have to support the Treasury and Resources Minister quite clearly and unequivocally. I would say to Deputy Breckon that I would still give him the utmost encouragement and support to carry out that review but I doubt, to be honest, it is not going to be possible to do much about next year's supplementation, in any case. I think it is going to take him quite a while to give true credence and to do the necessary research that he needs to do on supplementation. So, I do feel that in any case, it is perhaps a longer review than he thinks it is going to be and that it will be until next year's Business Plan that a properly thought out, very carefully evidence-based and looking at all of the angles to do with supplementation, I think that his report would be better for taking longer and not trying to rush it into this year's business to make any kinds of recommendations and changes. So, I would support definitely the Treasury and Resources Minister, Sir.

**The Bailiff:**

May I just ask, Deputy Breckon, whether you maintain your position, Deputy, in which case do you want to make a proposition or do you accept that the --

**Deputy A. Breckon:**

I wonder if I could seek clarification from the Treasury and Resources Minister. Did he say that 18th September 2007 may be possible? My understanding is that last week the Business Plan was put back a week and the date for the budget is 4th December 2007 and there are no States' meetings planned after that. So, I think I respect entirely what he says, Sir, but I think there is some possible room for movement. Could I ask if the Minister could respond to that?

**Senator T.A. Le Sueur:**

Sir, the States set a timetable at the start of the year and set out fortnightly meeting dates. If we were to add an additional meeting on 18th September 2007, I believe it would be a retrograde step. Members may well have already made alternative plans for that week. It would leave 11th September 2007 with very little to do. But I do suggest to the Deputy that even if we did delay it for a week, it would not help the supplementation issue one iota. The reason is that a supplementation is governed by legislation and any change in supplementation will require a change in legislation. Whatever we may or may not be capable of doing, Sir, we are certainly not capable of changing the Supplementation Law between now and September, whether it is the 12th, the 1st or 30th September 2007, or even probably by the end of the year. Realistically, Sir, any recommendations which I hope the Panel will bring forward in respect of supplementation, will take time to implement, they would have no effect whatsoever on this date. I raised the date of 18th September really in desperation, Sir, and I think Members can see that that is not really a practical solution, nor is 25th September. The only practical solution is 11th September.

**Deputy A. Breckon:**

If I may come back on that. The reason I asked for a delay was not just about supplementation. It was about respect to the individual Members, and if we proceed on 11th September, Members should be aware that they have 5 weeks from today to have something approved which goes out 5 weeks tomorrow, which is, coincidentally, a Bank Holiday weekend. With respect to the Treasury Minister, this is the most substantive document that we will deal with in the political year. It covers, because of change of process --

**The Bailiff:**

Deputy, may I interrupt? May I be clear, are you moving a proposition that it be dealt with on another date?

**Deputy A. Breckon:**

I am going to do that, Sir, yes. Also, may I say that the Treasury Minister did say that Scrutiny Panels and others, perhaps, had access to some documentation before that. I can say, Sir, that I have a Social Security budget here, a draft, for 2010, and it is nowhere near £61 million. So, if that is the case, what exactly were we looking at? We would probably have been better having nothing than have something, I would suggest, Sir, that misled. To get something this week, we had it on the desks on Tuesday and then we are expected to say: "Yes, we will take it on the 11th because we understand it, we do not have any problems with it, and we can live with it, and we will do what we can in the next 5 weeks." I do not believe that is realistic, Sir, and I would seek permission of the House to have a sitting on 18th September 2007, which is a compromise, which is specifically for the Business Plan and it allows that extra week, it takes it away from the Bank Holiday, Members can make their own mind up whether they wish to make any amendments or not, but it does give that period of grace, Sir, which I think is respectful, because some Ministers have been looking at this stuff for most of the year; some of us have not, Sir, and I think we should have that respect.

**The Bailiff:**

Deputy, can I be clear what you are proposing. Are you proposing an additional meeting on 18th September 2007 so that there can be questions and other things of that kind? Or are you asking for a continuation of the 11th September 2007 meeting day in order to debate the business plan?

**Deputy A. Breckon:**

That would be an option, Sir, just the Business Plan on the 18th September.

**Senator F.H. Walker:**

Sorry, Sir, can I just seek clarity, surely if it was a continuation of the meeting of 11th September then amendments would have to be lodged in time for the meeting of 11th September, would they not, or am I wrong?

**Deputy A. Breckon:**

If that is the case then, Sir, I propose an additional sitting.

**The Bailiff:**

The Greffier tells me that that is not the position. There would be an additional week for the lodging of amendments. Is the proposition then of Deputy Breckon that the Business Plan be debated on 18th September as an extension of the meeting on 11th September seconded?  
**[Seconded]**

**Deputy G.P. Southern:**

If may speak in addition, Sir. In addition to problems with analysing the Social Security Business plan, the Economic Affairs Scrutiny Panel was presented with a completely new version of the Business Plan which has transferred from a delivery service analysis to a functional analysis which we are still in the process of analysing and seeing what it means. It is the case that is extremely tight with the way things have worked out, notwithstanding the Treasury Minister's theoretical consideration that has been given to it, the practice has been that we received this new functional analysis within 12 hours of a schedule meeting to debate what was the previous service analysis and disentangling the 2 versions as being extremely difficult to do and certainly this week's grace might just give additional time to do something in good order with the budget that we were presented with.

**The Bailiff:**

Very well. I put that proposition. May I ask the Greffier to open the voting which is for or against the proposition of Deputy Breckon to defer debate on the Business Plan to 18th September?

**POUR: 28**

Senator J.L. Perchard  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Grouville  
Connétable of St. Martin  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy G.C.L. Baudains (C)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy D.W. Mezbourian (L)  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. Mary

**CONTRE: 18**

Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator F.E. Cohen  
Connétable of St. Saviour  
Connétable of Trinity  
Connétable of St. Brelade  
Deputy of St. Martin  
Deputy P.N. Troy (B)  
Deputy P.J.D. Ryan (H)  
Deputy J.A. Hilton (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of St. John  
Deputy I.J. Gorst (C)

**ABSTAIN: 0**

**The Bailiff:**

Are there any other issues to raise in relation to public business?

**Deputy P.N. Troy:**

Yes, Sir, I did say in the debate that the item that I have with you for your consideration for lodging regarding the term of office for Deputies, I would like to formally state that if you approve that proposition for lodging, then I will be requesting that it be debated on 11th September, Sir.

**The Bailiff:**

Very well. The Greffier will make a note of that, Deputy.

**Deputy G.P. Southern:**

In addition, Sir, having made some sort of room there, I would ask the House to bring forward the Retail Strategy P.84, lodged by the Economy Affairs Scrutiny Panel. I think it would be better debated as soon as possible so we can have some clarity on retail strategy on the way forward, on 11th September, if we could, Sir.

**The Bailiff:**

Any observations?

**Senator P.F.C. Ozouf:**

Sir, I would need notice of the fact that I think that it is important that there is a response from me on that. It has been brought forward by 2 weeks. We have the summer period and I would respectfully ask the Deputy to maintain the previous date in order to give me the opportunity of discussing with the Scrutiny Panel and to provide the Assembly with a proper report. I realise he thinks there is a gap but I think it is wrong just to spring that on us at this stage, and certainly with a sitting that is now going to be in 5 weeks' time.

**The Bailiff:**

Very well. No other matters to raise? Then the Assembly is content to approve the amended list of business on the pink papers, subject to the addition of Projet 94 for 25th September, the special sitting on 18th September to deal with the Business Plan, and the possible debate on 11th September of the proposition of Deputy Troy. That completes the matters on the Order Paper. Constable of St. Saviour?

**Connétable P.F. Ozouf of St. Saviour:**

Sir, I would like to thank you for the very kind words you have said about me. I did not think I would hold out this morning [**Laughter**], but I have.

**The Bailiff:**

A lot of us felt that way [**Laughter**].

**Connétable P.F. Ozouf:**

It has been an honour to serve my Parish for 59 years, for the last 9 years as Constable. I wanted to say I have been deeply touched by the many hundreds of messages I have received in recent weeks. As this is my last sitting, I would like to thank the parishioners of St. Saviour for their support and the opportunity to serve. My Parish Secretary, my staff, the Greffier and his team, and my family, all of whom have helped and supported me in more ways than words can say. I would also like to thank my Constables, my former Constables, and add that I am delighted the Constables are here to stay [**Applause**]. Finally, all Members for their support, and I wish you and the rest of the Assembly a restful summer break and the best for the future [**Applause**]. As is it is my last sitting, I would ask anybody who would like to, to come down in the Members' Room and have a farewell drink with me. Thank you very much, Sir. [**Applause**]

**The Bailiff:**

I suspect a few of us may wish to accept that invitation. The Assembly stands adjourned until the 11th September.

**ADJOURNMENT**